

THE CHURCH OF SCOTLAND  
IN LOWER CANADA



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The Struggle of the Church of Scotland for Equal Rights  
and Privileges with the Church of England in Lower Canada

by

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The struggle was caused by the Church of England's claim to exclusive establishment in the colonies. It was contended that the Church was established by the Act of Union, 1707, Royal Instructions to the Governors, the Quebec Act, 1774, and the Canada Act, 1791. Establishment meant legal recognition as the only Protestant Church having the right to perform civil acts, to be incorporated, to control education and to receive government financial support. To these pretensions the Kirk, as the Established Church of Scotland made objection. It put forward its views in representations to the Imperial and Provincial Governments. After considerable effort it was partially successful. In 1827 the full rights of registration were received, and in 1830 the rights of incorporation. The educational question was settled in 1840 by the founding of Queen's College, and in the same year the Clergy Reserves Bill settled the government support question.

PREFACE.

Before entering upon my thesis, it would be well to give a few words of explanation as to my method of dealing with the subject, and the end which I have in view.

In order to make the thesis as unified as possible, I have found it necessary to divide it into four chronological sections. This has been done that the account of the Kirk's struggle might go forward as a narrative, rather than an analysis. It has been necessary, however, to divide each chronological section topically. This was done to obtain clarity, as the subject of the Kirk in Canada has four aspects. The first is that of the Kirk's efforts to obtain equal legal recognition and legal status with the Church of England. This includes the question of the Kirk's right to perform and register civil acts, and of the recognition of the Kirk <sup>is</sup> congregations as bodies corporate. The second aspect is that of the Kirk's efforts to obtain equality with the Church of England in regard to its control of public education. The third is that of the Kirk's efforts to obtain Government aid in the erection of church buildings. And fourth and most important is the subject of clergy support, both by government grants of money and the Clergy Reserves.

As heretofore nothing has been written on this subject, printed works have formed the smaller part of my sources. Most of the material which I have used has come from such manuscript collections as the Q. G. and S. Series in the Public Archives of Canada, The Glasgow Colonial Society Correspondence in the Public Archives of Ontario, the Archives of the Montreal Presbytery of the Presbyterian Church in Canada, and the Archives of individual churches, Anglican, Presbyterian and United, in Montreal and Quebec. For the chapters



dealing with education, the Journals of the House of Assembly of Lower Canada have yielded much information.

My aim in writing the thesis has been to show how the Church of Scotland conceived itself to have a right to equal establishment with the Church of England in Lower Canada. From that point, I have endeavoured to demonstrate the different stages of the Kirk's advance towards her goal of co-establishment, until in 1840 she obtained a position approximate to that desired. In regard to financial support by the state, full equality was never obtained. But in 1840 the Kirk arrived as close to that position as she ever attained. Until 1854 she maintained her position of apparent co-establishment with the Church of England. But on the alienation of the Reserves for secular purposes in that year, the principle of church establishment in Canada was definitely abandoned.

However, as in 1840 the Kirk had really attained its objective, and as in the following year the Province of Lower Canada ceased to exist, I have brought my account of the Kirk's efforts to a close with the passing of Poulett Thomson's Clergy Reserves Bill. (1840)

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## Part I

### The Background.

#### Chap. I., TWO CHURCH ESTABLISHMENTS AN IMPERIAL PRINCIPLE EMBODIED IN THE ACT OF UNION.

Before it is possible for us to understand all the phases of the efforts of the Scottish Kirk to maintain its parallel rights with the Church of England and privileges as an Establishment in Lower Canada, we must go back some distance in the history of Great Britain itself. This is necessary because so much of the argument on both sides was based on Imperial, English and Scottish acts of the preceding three centuries.

Shortly after Elizabeth came to the throne in 1558, there was passed an act entitled: "An Act for the uniformity of common prayer and service in the church, and administration of the sacraments." In this act provision was made for uniformity in the services of the Church of England. Moreover, in point of territorial extent, the uniform service was to be used in every "cathedral or parish church or other place within this realm of England, Wales and the marches of the same or other the Queen's dominions." (1) Thus all Englishmen in countries under the British Crown, were expected to conform to the services of the Church of England.

Some years later, in 1570, by the act 13 Elizabeth c. XII, entitled, "An Act for the ministers of the Church to be of sound religion," it was made law that all clergymen had to be ordained by the proper authorities of the Church of England, before they could perform any ecclesiastical functions or ceremonies, within the domain of the English Crown. This, of course, meant that no clergy but those of the Church of England were recognized



1. Imperial Statute: 1 Elizabeth,c.11,italics by writer.

as clergy, or as forming a Church within the realm.

With the Church thus established, each succeeding monarch wished to make sure of its retaining its privileges. For this reason, and the fact that only members of the Church were considered as loyal to the Crown, the Test Acts were established. They were brought into use, in some form or other, as early as the reign of James I, but never reached their final state until the Corporation Act became law in 1661. This act was "for preventing dangers which may happen from popish recusants." (25 Carl c. II.)

By these acts, and a subsequent one in 1677, all persons holding offices in corporations or public employ had, on pain of punishment, to qualify for office by communicating according to the rites of the Church of England, within one year of their appointment. These acts comprehended even peers of the realm and members of the House of Commons. They remained in force until 1829. (2)

Meanwhile, in Scotland, a Scottish Church had grown up under the leadership of John Knox, and the Scotch had taken care to protect it. By the National Covenant (3) of 1638, the Kirk of Scotland had been definitely established on its Presbyterian and Protestant basis. Then, in 1643, by the Solemn League and Covenant (4) made with the English commissioners, the Scotch attempted to make it the established church of England. This effort came to nought, however, when Cromwell gained the ascendancy. The National Covenant, itself, was abrogated when Charles II returned to England in 1660. (5) Following this was the ill-fated attempt of the king to establish episcopacy in Scotland; a plan that fell to pieces in the Revolution of



2. Imp., 10 Geo. IV, c. 7.

3. Browne, P. Hume, History of Scotland,  
Cambridge University Press, 1902, vol. 11, p. 305.

4. Ibid., p. 329.

5. Ibid., p. 386.

1688, when the Kirk was finally established in Scotland by law, and has remained so established until now.(6)

Feeling on both sides of the border regarding the forms of religious ordinances to be used by all Christians was strong. As a result, there was constant friction between the two countries. This was not removed even by the benevolent reign of William and Mary. Then mutual antagonism on matters religious, had stopped all prospects of a corporate union between the two countries. Ever since the days of Henry VIII, religion had kept them apart, and the feeling of enmity had grown so strong from religious and other sentiments, that, by the reign of Queen Anne, there was fear that blood-shed would result.(7)

To avert this, commissioners were appointed in 1705 by both countries, to talk over the whole matter and arrange a political union. The commissioners were ordered to make no mention of religion. Each country was to be allowed to protect its church as it saw fit. By the autumn of 1706 negotiations were completed, and the proposed treaty was laid before the respective parliaments.

The treaty came first before the Scottish Estates. Immediately opposition was raised, for the Kirk was not protected. However, Queen Anne sent a message to the Estates assuring them of her protection of their ecclesiastical establishment.(8) This tended to quieten the opposition, especially as on the same day, Lord Queensbury, in seconding the answer to the Queen's message regarding the Treaty of Union, Said, among other things:

6. Imp.,1 William and Mary,c.5: "An act ratifying the confession of faith and settling Presbyterian Church Government."

7. Leadam,I.S., The History of England from the Accession of Anne to the death of George II,London,1912,pp.95-103.

8. Defoe,Daniel,History of the Union between England and Scotland,London 1786,p.214.

" We do upon this occasion renew assurances we have formerly given you of our resolution to maintain the government of the Church as by law established in Scotland,and the acts of both Parliaments,upon which this treaty proceeded having reserved their respective governments of the church in each kingdom,the Commissioners have left the matter entire;and you have now an opportunity for doing what may be necessary for the security of your present Church government within the limits of Scotland."

"for the security of the Presbyterian government in this Church, you have laws already made for its establishment, the Queen's repeated assurance to preserve it, and I am empowered to consent to what may be further necessary after the Union." (9)

Nevertheless it was feared that when the countries were united, the ecclesiastics in the House of Lords would have power enough to impose episcopacy upon Scotland.(10) For this reason we find an address sent by the General Assembly of the Kirk to the Estates, pleading with them to make provision for the security of the "doctrine, government and discipline" of the Church of Scotland as then established.(11) They were assured that this would be done. On January 1, 1707, was passed the "Act for the securing the Protestant Religion and Presbyterian Church Government."(12)

In this act (13) the Presbyterian government of the Church is ratified and confirmed forever, and definite provision is made for its remaining "without alteration to the people of this land in all succeeding generations." It is admitted, however, that the "Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said kingdom, and not derogating from the security above provided for establishing of the Church of Scotland within the bounds provided." From this it seems that one of the fundamental points of the Union, was to provide for the actual establishment of the churches in their respective realms as then constituted. But no mention is made of countries outside of Great Britain.(14)

It is interesting to note that at the time of the debate in the Scottish Estates, the question of a Test Act arose, The existence of tests in England tended to exclude all Presbyterians from offices in that country. As Trevelyan says,

9. Ibid.,p.216.

10. Ibid.,p.222.

11. Ibid.,pp.234,243.

12.Ibid.,p.541.

13. Infra.,Appendix No.1.

14. Imp.,5 Anne,c.8,s.25.



"It was only a partial compensation that the Treaty reserved all offices held in Scotland to Presbyterians, for the center of political ambition and power, alike for Scots and English, was now to be fixed in London." (15) This matter, however, was not allowed to stop the Union, and the motion for the establishment of a Kirk test equal in authority to that of the English, was rejected. (16) "Since the English would not alter the Test Act....it was necessary to endure what could not be cured." The matter never caused much real trouble as the Scots Presbyterians usually took the Test as a matter of form and nothing else.(15) In the colonies it seems to have been administered to military and naval officers only.(17)

Shortly after the Act of Union had been passed by the Scottish Estates, it was brought before the English Parliament. There it was ratified with the addition of an act (18) passed to provide for the security of the Church of England. In this act the Church was declared established "within the kingdoms of England and Ireland, the dominion of Wales and town of Berwick on Tweed and the territories thereunto belonging." (19) These latter mentioned "territories", which at that time belonged to England, would include the Channel Islands, some of the West Indies and a few factories in India. Neither Canada nor Acadia was at that time under the British Crown; nor could they be included in this category. Later, the Church of England declared that all provinces occupied after 1706, were meant to be included as territories. The Kirk denied the legality of this position.

In the final treaty as ratified, there is one other section at which we must look. It is the fourth. It states that besides equal commercial rights "there be a communication of all other rights and privileges and advantages which do or

15. Trevelyan, George Macaulay, Families and the Union with Scotland, Toronto, 1932, p.280.

It is interesting to note that, because the Scotch could hold positions in their own land without a test, the Scottish Church would be established in Scottish regiments. Thus we find the Rev. John Bethune, who was later the first Kirk minister in Montreal, appointed, on the outbreak of the American Revolution, as chaplain of a Scottish regiment raised in the Carolinas. Cf. Gregg, William, History of the Presbyterian Church in the Dominion of Canada, Toronto, 1885, p.155.

16. Defoe, op.cit., p.341.

17. "A Brief Statement of the Reasons and Considerations in favour of the claims of the Church of Scotland in the Colonies," Public Archives of Canada, Dalhousie Papers, vol.xxii, p.372.

This "Statement" is anonymous, but Thomas Blackwood, in forwarding it to Dalhousie, stated that it was written by the Hon. John Richardson, a member of the Legislative Council of Lower Canada.

18. Infra., Appendix No.2.

19. Imp., 5 Anne, c.8, s.25.

Cf. Young, A.H., "A Fallacy in Canadian History," The Canadian Historical Review, December, 1934, vol.xv, p.351.

may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles." This is a rather ambiguous statement and might mean many different things. From it the Kirk claimed equal rights in the colonies with the Church of England. The Anglicans combatted this by stating that it referred only to political and commercial privileges, and that the Church of England was established in the colonies by the act (5 Anne, c8, sec. 25) mentioned above.(20)

Both acts for securing the respective churches had also one thing in common. They both required that every sovereign, on ascending the throne, should take an oath to maintain and defend the rights of the respective churches. From this it is clear that one church had as much legal claim on the Crown as the other.(21)

Thus we have the Act of Union and its general deficiency in clarity as the basis for a misunderstanding in the Canadas some hundred years later. One could draw many different meanings from the same words in the act, and they reach no final, definite or satisfactory conclusion.

In the century and a half which followed the Act of Union, British statesmen seem to have taken it for granted that the Church of England was the established church of the colonies, and provided for it accordingly.(22) This policy was naturally followed in Canada when the country came under British rule. In 1763, in the Royal Instructions, Governor Murray was informed of the intention of His Majesty to place the whole colony under ecclesiastical control of the Bishop of London, with the added intention of erecting Church of England parishes wherever possible. Education as well,

20. The Exclusive Right of the Church to the Clergy Reserves, Defended, Kingston, U.C., July 1826, p.15.
21. Letters of Queen Victoria, 1862-1878, (Buckle, Geo. Earle, edit. Toronto, 1926, vol. ii, p.349.

The question of the Kirk's right to call the ruler of the United Kingdom the Temporal Head of the Church of Scotland was discussed in 1874. Disraeli in a despatch to the Queen on July 25, 1874 gave the following information: "With respect to the Scotch Church the Lord Advocate informs Mr. Disraeli that the Sovereign had never adopted or claimed the Headship; that the connection of the Sovereign with the Kirk is purely civil."

22. Pownall to S.P.G., April 6th, 1749, printed in full in "Notes and Documents," Canadian Historical Review, 1934, p.406.

was to be under the control of the Anglican ecclesiastical authorities. Nothing, however, appears to have been done at this time. (23)

Eleven years later the Quebec Act came into existence. In it the Roman Catholic clergy were given the right to collect tithes. This was objected to in England. To quieten the opposition, and carry on the established policy of the government, provision was also made in the act for the support of a Protestant Clergy. (24) The following year the governor, Sir Guy Carleton, received instructions confirming this:

"The establishment of proper regulations in matters of ecclesiastical concern is an Object of very great importance, and it will be your indispensable duty to lose no time in making such arrangements in regard thereto, as may give full satisfaction to Our new Subjects in every point, in which they have a right to any indulgence on that head; always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only, to which they are entitled, but not to the powers and privileges of it as an established Church, for that is a privilege which belongs only to the Protestant Church of England." (25)

It is quite plain here, I think, that the government intended to establish the Church of England in Canada. It was still more evident when in 1787 Dr. Charles Inglis was consecrated Bishop of Nova Scotia with ecclesiastical authority over the Province of Quebec. (26) In the same year Dorchester received a new set of instructions which practically repeated the orders that had been given to Murray in 1763, concerning the ecclesiastical establishment. (27)

Thus it is fairly obvious that the intention of the British Government, before 1791, was to establish the Church of England in the Canadas. Whether this was in accordance with



23. Shortt, Adam, and Doughty, Arthur G., eds, Documents relating to the Constitutional History of Canada, 1759-1791, Ottawa, 1918, new edition, part I, p.191.
24. Kennedy, W.P.M., Documents of the Canadian Constitution, (1759-1791), Toronto, 1918, pp.87-88.
- Imp., 14 Geo.III, c.83:  
"it shall be lawful for His Majesty, His heirs and successors to make provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province..
25. Shortt and Doughty, op.cit., part II, p.602.
26. Ibid., p.838.  
It would be well to note that in Canada, the Church of England bishops are often given the title of their province and not of the cathedral city, i.e. Bishop of Huron, Bishop of Rupert's Land.
27. Ibid., p.839.

the spirit or letter of the Act of Union is a matter of individual judgment.

Chap. II. CANADA ACT, 1791, THE FIRST STATUTORY DEPARTURE FROM THE  
PRINCIPLE OF ECCLESIASTICAL ESTABLISHMENT OF THE ACT  
OF UNION, 1706.

Ever since 1763, the English speaking portion of the population of the Province of Quebec, had been striving to obtain responsible government.(1) Petition after petition had been sent to the Home Government asking for representative institutions like those of the colonies to the south.(2) The French subjects of the Crown, however, had very little interest in representative government.(3) They were concerned only with their own work and activities. As long as they had protection and justice they asked for no share in legislation.

The efforts of the petitioners, however, had some effect; and in 1774 the Quebec Act was passed. This Act, as we have seen, contained a provision for the support of the Protestant Clergy. But the Act did not satisfy the more insistent of the petitioners, as by it no representative government was established. (4) The agitation was continued, and in 1786 a large petition was sent to England, praying parliament to grant a representative government to the province. This petition was presented to the King's ministers by Adam Lymburner, the appointed agent of the petitioners, and was strongly advocated by the merchants of London who had business interests in Quebec. (5)

The petition first came before Parliament on March 11, 1788; but was not discussed until May 16th.(6) At that time there was not the slightest hint of a further provision for the Protestant Clergy beyond what they already had. In all probability such provision was not contemplated, many of the petitioners being dissenters or of the Church of Scotland.

1. Short and Doughty, op.cit., pp.232,235,417 and 493.
2. (Maseres, Baron Francis,) AN Account of the Proceedings of the British and other Protestant Inhabitants of the Province of Quebec in North America, in order to obtain an House of Assembly in that Province, London, 1775.
3. Cruickshank, Brig-Gen., E.A., "The Genesis of the Canada Act, Ontario Historical Society Papers and Records, vol.xxviii, 1923, p.155.
4. Cf., State of the Present form of Government of the Province of Quebec, London, 1790.
5. Cruickshank, op.cit., p.208.
6. Journals of the House of Commons, 1787-88, vol.xlii, p.479.

The agent himself belonged to that body.( 7) Nothing was done about this petition. It was agreed to defer the matter until a report should be received from Lord Dorchester. Early in the next session the question would be dealt with by Parliament.

As a result of this, on October 20, 1789, Grenville, who had been recently made Home Secretary, sent a letter to Dorchester, enclosing the suggested bill for the government of the province. Dorchester was requested to make any suggestions which he felt free to offer, and to return them to Grenville as soon as possible. Nothing in this draft of the bill gave any indication of the contemplation of a state-supported clergy.(8)

Before Dorchester's reply could arrive, Parliament again convened. On May 8th, Charles James Fox adverted to the matter of the government of Quebec. Lord Grenville replied to Fox, to the effect that the House could do little since no word as yet had been received from Dorchester.(9) Fox answered that this was not sufficient reason.

The secretary should have made it his business to have all the necessary material at hand. But because of this lack, nothing could be done, and the matter was left until the required answer should arrive.

This it did shortly after the end of the session. Dorchester suggested a number of alterations; but nothing was said about Clergy Reserves or an Established Church.(10) Presumably he thought that the instructions of 1787 were sufficient.  
(11)

Finally, in the session of 1791, a message from the King was brought down to the House on what was termed "The



7. Cf. Petition of the Church of Scotland in Quebec for Land, Public Archives of Canada, Q 90, p. 8. Adam Lymburner is one of those signing the petition.
8. Grenville to Dorchester, Oct. 20, 1789, Shortt and Doughty, op.cit., 1907, Part II, p. 667.
9. The Parliamentary History of England from the Earliest Time to 1803, London, 1816, vol. xxviii, p. 504.
10. Dorchester to Grenville, Feb. 8, 1790, Shortt and Doughty, op.cit., p. 677.
11. Supra., p. 7.

Quebec Government Bill." The message stated the necessity of changing the method of government in Quebec. In the closing paragraph is given what appears to be first intimation of the government's intention of making very specific statutory provisions for the support of a Protestant Clergy:

"His Majesty also recommends it to the House to consider of such provisions as may be necessary to enable his majesty to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy, with the same in proportion to such lands as have already been granted within the same by his majesty, and it is by his majesty's desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the same object, in proportion to such increase as may happen in the population and cultivation of the said provinces, and for this purpose his majesty consents that such provisions or regulations may be made by this House, respecting all future grants of land to be made by his majesty within the said provinces as this House shall think fit.

G.R."(I2)

Nothing was done about this message until March 5th when Pitt introduced a notice of motion; that he would shortly bring in a bill to fulfil the request of the Royal Message.(I3) In his speech Pitt mentioned the contemplated provision for the support of a Protestant Clergy.

After much delay the bill was at last brought before a committee of the whole House on May 6th.(I4) For twelve days the debate lasted, during which time, the bill was discussed clause by clause. Finally, on the 18th, it was passed (I5) and sent up to the House of Lords, where, after some debate it was passed by this House also.

The first discussion on the support of a Protestant Clergy and their status in the colony, arose on April 8th, when the bill was reported back by a special

12. Jour.H.of C.,Feb.25,1791,vol.xlvi,p.227.  
Parl.Hist.,vol.xxviii,p.1271.

13. Ibid.,p.1375.

14. Parliamentary Register,London,1791,vol.xxix,p.318.  
Jour.H.of C.,1790-1791,vol.xlvi,p.464.

15. Ibid.,p.608.  
The Annual Register,London,1791,p.269.

committee of the House. Fox, bringing up the subject, said that:

"By the Protestant clergy he supposed to be understood not only the clergy of England but all descriptions of Protestants--He totally disapproved of the clause which enacts, 'That whenever the King shall make grants of land, one seventh part of those lands shall be appropriated to the Protestant clergy.' He declared he had two objections to these regulations, both of them in his opinion of great weight. In all grants of land made in that country to Catholics (and a majority of the inhabitants were of that persuasion) one seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any cure of souls or any congregations to instruct. One tenth part of the produce of this country was assigned and this perhaps was more than one seventh part of the land. He wished to deprive no clergyman of his just rights, but in settling a new constitution and laying down new principles to enact that the clergy would have one seventh of all grants, he must confess, to him, appeared to be an absurd doctrine. If they were all of the Church of England this would not reconcile him to the measure. It might be asked why should they not have as much as those of the church of England? In this country we had that which some condemned and others praised; we had a kind of show but still a proportion must be preserved. The greater part of these Protestant clergy were not of the Church of England; they were chiefly what are called Protestant dissenters in this country. They were, therefore, going to give dissenters one seventh part of all the lands of the province. Was this proportion either in Scotland or in any other country where those religious principles were professed? It was not the proportion either in Scotland or in any other ecclesiastical country in Europe; we were therefore, by this bill making a sort of provision for the Protestant clergy of Canada which was unknown to them in every other part of Europe, a provision in his apprehension which would rather tend to corrupt them than to benefit them." (16)

Thus from this speech we see that Fox, and most probably a large portion of the opposition and some of the government, were under the impression that the bill intended to give support to Protestant Clergy of all Denominations. This, however, was obviously a mistake, for, in replying, Pitt made the following statement:

16. Parl. Hist., vol.xxix, p.107.

"With regard to the Protestant Clergy he wished to make adequate provision for them, so that they might be supported in as respectable a situation as possible. The giving them a certain portion of land was the most eligible mode of supporting clergy which had occurred to his mind, and as a proportion of one seventh, if it turned out to be too much in the future, the state of the land appropriated to the clergy, like everything else provided for by the bill, was subject to revision. At present he imagined no man could think one seventh part was unreasonable; and it was to be recollected that one seventh had almost grown into an established custom, where land had been given in commutation of tithes. One tenth of the produce which took place in England, must be confessed to be a far greater provision than one seventh of the land."(17)

From the foregoing statement we must infer that Pitt had in mind the support of no body of clergy other than those of the Established Church of England. He refers solely to the taking of tithes in England, for the purpose of supporting his argument in favour of granting the reserves.

The next discussion on clergy support took place on May 12th while the House was in committee of the whole on the bill.

"When they came to the clauses respecting the clergy, Mr. Fox begged an explanation of both the clauses, pages 13, 14, 15. Mr. Chancellor Pitt said that the first gave the governor and council a power, under the instructions of His Majesty to distribute money out of sums arising from the tithes for lands or possessions, and set apart for the maintenance and support of a Protestant Clergy, in order to give them a competent income, and the second clause he said provided for the permanent support of the Protestant Clergy by a seventh portion of the lands to be granted in future. He declared that the meaning of the act was to enable the Governor to endow and to present the Protestant clergy of the established church to such parsonages or rectories as might be constituted or erected within every township or parish, which now was or might be formed, and to give such Protestant clergymen of the established church a part of the whole, as the Governor thought proper, of the lands appropriated by the act. He further explained that this was done to encourage the established church, and that possibly hereafter it might be proposed to send a bishop of the established church to sit on the Legislative Council.



17. Ibid,p.112.

"Mr. Fox disagreed with the whole of this plan. He said he thought the Roman Catholic religion ought to be the established religion or the Presbyterian (that of the Kirk of Scotland); he conceived setting aside one seventh part of the lands granted, for the maintenance of the Protestant clergy was too great an allotment, and that the idea of sending a Bishop of the established Church of England to sit in the Legislative Council was in every view unjustifiable.

"Mr. Duncombe was of the opinion that setting aside one seventh of the lands granted for the maintenance of the clergy was too much.

"Mr. Ryder by way of explanation said that the meaning was that when His Majesty granted six acres in any of the new townships, an acre was to be set aside for the clergyman presented by the Governor for the parsonage or rectory. As the clergyman would have the ground to clear and cultivate he probably would be greatly underpaid.

"Mr. Fox still censured the whole plan and reminded the House that Mr. Dundas had two evenings since, boasted that the security of the Kirk of Scotland was its being erected on the rock of poverty; according to the provisions of the bill, Mr. Fox said, even the clergy of the Kirk would have larger incomes in Canada than in Scotland."(18)

Thus it appears that the government definitely planned to establish the Church of England in the Canadas. The advocates of the Church always declared that its establishment was thus intentional. The members of the Kirk said that it was understood that the Establishment of the Kirk was to be equally so. Fox also apparently thought the Kirk's establishment was intended. But whether such a view of the Kirk's rights could be maintained from the evidence afforded by the wording of the debates, is another matter.

Thus the stage was set. The Kirk was apparently not thought of at the time, and its clergy at home did not appear interested enough to put forward their claims. The result was that the act passed with the provisions for granting financial support to the "Protestant Clergy" and creating and endowing parsonages and rectories "according to the establishment of the Church of England."(19)

18. Parl. Register, vol. xxix, pp. 414-415.

19. Infra., Appendix No. 3.

PART II. 1791-1805.

Chap. I. THE EXPANSION OF THE CHURCHES, 1791-1805.

Before considering the expansion of the Churches of England and Scotland in Lower Canada, between the years 1791 and 1805, it will be necessary to make a rapid survey of their history immediately after the cession in 1759.

The first clergymen of the Church of England who officiated in Quebec City, were fifteen chaplains who came with the British expedition in 1759.(1) But because of their regimental duties they were not long in Quebec. Thus, there was no regular parochial clergyman of the Church of England in the city, until the arrival of the Rev. Mr. Brooke. He arrived in Quebec during the summer of 1760, and took charge of the spiritual needs of the Protestants as the first "Episcopalian" clergyman of the "parish" of Quebec.(2)

Later in the same year, Mr. Brooke received the assistance of the Rev. John Ogilvie, D.D., chaplain to one of the battalions of the 60th Regiment. Dr. Ogilvie remained in Quebec until 1761. Later he went to Montreal where he laboured until 1764. (3)

Mr. Brooke continued as incumbent of the Episcopalian parish of Quebec until 1767, when he returned to England. The next year, his position was filled by the Rev. D. F. de Montmollin, a Swiss clergyman.(4) M. de Montmollin continued, unaided as incumbent until 1785, in which year the Rev. Philip Toosey arrived, and became his assistant.(5)

1. Stuart, H.C., The Church of England in Canada, 1759-1793,  
Montreal, 1893, p.7.

2. Ibid., p.8.

In many contemporary documents the term "Episcopalian" is used to designate an office or congregation of the Church of England.

3. Ibid., p.9.  
Stuart seems to have become rather tangled in his dates, and it is hard to make out exactly what Ogilvie did. He appears to have returned to Quebec at the end of 1761, and then later to have gone back to Montreal about 1763.

4. Ibid., pp.26 & 31.  
Register of Civil Acts, Parish of Quebec, Cathedral of the Holy Trinity, Quebec City, April 24, 1768. This first registration was made by M.deMontmollin.

5. Stuart, op.cit., p.57.

Meanwhile a congregation of the Church of England had been founded in Montreal in 1761, by Dr. Ogilvie. He was succeeded in 1764 by the Rev. Mr. Bennet, who was, in his turn, succeeded some two years later by the Rev. David Delisle. Like M. de Montmollin, M. Delisle was a Swiss.(6)

Besides these two congregations, which were the largest in the Province of Quebec, there were other congregations belonging to the Church of England. In 1768 the Rev. M. Veyssiere, a convert from the Church of Rome, commenced services at Three Rivers. (7) Eleven years later Church of England services were held in William Henry (Sorel) by the Rev. Mr. Scott, deputy chaplain of the 34th Regiment. The first regular clergyman at William Henry, the Rev. John Doty, did not arrive until July 1784.(8) In 1787 the Rev. James Tunstall arrived at Quebec. He was appointed to St. Armand, a Protestant settlement on Lake Champlain at Missisquoi Bay. (9)

Meanwhile efforts were being made by the Church of England, at home and in Quebec, to have the province raised to the ecclesiastical status of a diocese of the Church of England. Prior to 1787, Quebec had been under the care of the Bishop of London. Then, when the Diocese of Nova Scotia was formed, Quebec was made part of it. (10) After the Canada Act was passed with its provisions for the establishment of the Church of England, increased pressure in favour of a Diocese of Quebec, was brought to bear upon the Imperial Government. As a result, in 1793, the Rev. Jacob Mountain, examining chaplain to the Bishop of Lincoln, was appointed Lord Bishop of Quebec.(11)

6. Ibid.,p.24.

The British policy of putting Swiss clergymen in the important centers was caused by a desire to bring the French Roman Catholics into the Church of England. Politically the same policy of attempting to Anglicize the French was followed in the appointment of such men as Haldimand,Prevost and Bouquet to important positions in the country.

7. Ibid.,pp.34-35.

8. Ibid.,pp.40 & 47.

Public Archives of Canada,Haldimand Collection,July 1,1784

9. Ibid.,p.58.

10. Supra.,p.7.

11. Imperial Commissions vol.E, fol.19,  
Secretary of State Department,Ottawa,Ontario.

When Bishop Mountain entered upon his duties on November 5, 1793, there were nine clergy in the Diocese of Quebec. Three of these were in Upper Canada.(12) It appears that in Lower Canada, Tunstall had been withdrawn from St. Armand about 1789, and placed in Montreal as assistant to Delisle, whom he succeeded in 1794(13). In 1795 application was made by the Christie and Caldwell Manors, in concert, for a clergyman.(14) But, although £100 was granted by the Imperial Government to support a clergyman on these manors, no one seems to have been appointed. By 1799 there were nine clergy of the Church of England in Lower Canada. Their numerical strength remained at the same level for some years. (15) These clergymen were stationed as follows:

Quebec:	Right Rev. Jacob Mountain, Lord Bishop Of Quebec, Rev. Salter Mountain, Bishop's Chaplain and Secretary, Rector of Quebec. Rev. F. D. Montmollin. Rev. Henry Croft, Military Chaplain.
Three Rivers;	Rev. Jehoshaphat Mountain Rev. T. M. Veyssiere.
William Henry:	Rev. John Doty.
Montreal:	Rev. John Tunstall
St. Armand:	Rev. R. L. Short. (16)

Meanwhile, the Church of Scotland had also been forming congregations in the Province. Quebec City was the first in which Presbyterian services were held. But the identity of the minister who held the first services there, seems to be in doubt. Presbyterian historians assert that the Rev. Robert MacPherson, chaplain of the 78th (Fraser Highlanders) Regiment, was a minister of the Kirk. (17) H. C. Stuart, however, declares him to be an Episcopalian.(18) He does this on the authority of a communication from the War Office.



12. Christie, Robert, History of the Late Province of Lower Canada, Quebec, 1850, vol. iii, p. 80, foot-note quoted from the Christian Remembrancer, September 1825.

Roe, Henry, The Story of the First Hundred Years of the Diocese of Quebec, Quebec, 1893, p. 8.

13. Audet, F. J., "Le Clergé Protestant du Bas-Canada de 1760 à 1800," Transactions of the Royal Society of Canada, 1900 Second Series, vol. vi, Sec. i, pp. 136 & 139.

14. Bishop of Quebec to Portland, Nov. 6, 1795, P.A.C., Q Series, vol. 74-2, p. 407.

15. "A List of the Clergy of the Established Church of England in Lower and Upper Canada," 1799, P.A.C., Q, 83, p. 380.

Kingsford, Wm., The History of Canada, Toronto, 1894, vol. vii, p. 385.

16. Audet, op. cit., p. 139.

17. Gregg, Presbyterian Church in Canada, p. 145.

Stewart, Robert, St. Andrew's Church, Quebec, An Historical Sketch of the Church and its Ministers, Quebec, 1928, p. 8.

18. Stuart, op. cit., p. 7.

It is difficult to say with any certainty which of these statements is correct. It is, as the Presbyterians maintain, difficult to believe that a Church of England clergyman would be chaplain to a Highland Regiment, composed mostly of Presbyterians and Roman Catholics. We know that Church of Scotland clergy held positions as chaplains in the British Army, (19) and it is unlikely that a clergyman of the Church of England would be appointed to a regiment of Presbyterian Scots.

On the other hand there is the War Office communication. It states, apparently , that the Rev. Robert MacPherson was of the Church of England. It may have been, however, that the officials at the War Office, simply included him in a list of chaplains, without making any statement as to his denominational connection. For this reason, Stuart may have concluded wrongly, that MacPherson was an Episcopalian. Because of these conflicting views it is impossible to determine whether or not MacPherson was the first Kirk minister in Quebec.

We do know, however, that there was a Kirk minister in Quebec in 1765. This minister was the Rev. George Henry. In the sixth year after the cession, he organized the first regular Church of Scotland congregation in Quebec: St. Andrew's. (20) Henry also served as chaplain to any Presbyterians who happened to be in Quebec with the garrison regiments. After 1784 he was assisted by the Rev. Alexander Spark, also of the Church of Scotland. (21) Spark took full charge of the congregation in 1789. (22)

19. Gregg,op.cit.,p.155.  
Supra,p.5,note 15.
20. Campbell,Wilfrid, The Scotsman in Canada.,Toronto,p.308.
21. Audet,op.cit.,p.139.
22. Croil,James, An Historical and Statistical Report of the Presbyterian Church in Canada in Connection with the Church of Scotland,Montreal,1868,p.101.

Because of Spark's succeeding Henry, there was a division in the church. The more evangelical of the members left on account of the radical theological opinions held by Spark. These dissenting members formed themselves into a congregation, and applied to the London Missionary Society (Congregational) for a clergyman. (23) In answer to this request, the society sent out the Rev. Clarke Bentom who appears to have commenced officiating as their minister in the autumn of 1801. (24)

Some three years previous to Spark's succeeding to the pastorate of St. Andrew's Church, Quebec, a congregation of the Church of Scotland was formed in the Seigneury of Berthier. The Hon. James Cuthbert, the Seigneur, was a Kirk man. He built a church, and had the tutor of his family act as minister. (25) The services do not appear to have been carried on for long, however, and when Cuthbert died (1795 ca) he was succeeded as Seigneur by his son James, who had become a Roman Catholic. (26) As a result of this, no more Presbyterian services were held in Berthier for some years.

In Montreal also, there was a Church of Scotland congregation. The first service was held on March 12, 1786, by the Rev. John Bethune. Mr. Bethune, a minister of the Kirk, had been chaplain to the 84th Regiment during the American Revolution. He continued as minister of the Montreal congregation until May 6, 1787. He then left the city for Williamstown, near Kingston, to take possession of land granted to him as an United Empire Loyalist. (27)

For the following three years there were no Church of Scotland services in Montreal, and most of the

23. There is little information obtainable concerning this church in its early days, except from an historical surney written by the Rev. Mr. Spratt. Spratt came out to Quebec in 1813. In the first pages of the Minute Book of the church he wrote the history up to his own time. This book is at present in the possession of Chalmers-Wesley United Church, Quebec. Chalmers Church was originally St. John's Chapel.
24. Register of Civil Acts, St. John's Chapel, Quebec. Benton's first registration bears the date October 19, 1801.
25. Campbell, W., op. cit., p. 313.
26. Moreau, M.S.A., Precis d'Histoire de la Seigneurie, de la Paroisse et du Comte de Berthier, 1889, p. 41.
27. Croil, op. cit., p. 62.

Presbyterians joined the Church of England. In 1790, however, the Rev. John Young a licentiate of the Kirk, came to the city from the Classis of Albany of the Presbyterian Church of the United States. He remained in Montreal until 1802, and acted as minister to the congregation which had been formed on his arrival(28). A year after Young's departure the Rev. James Somerville, a licentiate of the Relief Synod of Scotland, was ordained and induced into the Montreal Church by Rev. Messrs. Spark and Bethune, who formed themselves into a presbytery for that purpose. (29)

It was in this year (1803), also, that a number of parishioners withdrew from the Montreal Presbyterian congregation, and formed themselves into a dissenting congregation. They did this because of Mr. Somerville's appointment as minister instead of another candidate, the Rev. Robert Forrest. Mr. Forrest was a member of the Presbyterian Church of United States. He acted as minister of this dissenting church in Montreal for one year, and was followed by the Rev. Robert Easton, a member of the Burgher Synod of Scotland. (30)

It is interesting to note that at this time a certain John Strachan, resident in Kingston, and a licentiate of the Church of Scotland, wrote to a member of the Montreal Presbyterian Church in an attempt to obtain a hearing as a candidate. He was too late and was given no opportunity to preach for a call. A few months later Strachan took orders in the Church of England. Eventually he became Archdeacon of York, and as such, was the Kirk's determined opponent in its attempt to obtain part of the Clergy Reserves (31) It is interesting to contemplate what would have happened

28. Ibid.,p.62.

29. Minute Book,Temporalities Committee,St.Gabriel Street Presbyterian Church,Montreal,Sept.20,1803,p.77.

30. Gregg,op.cit.,p.163.

31. Miscellaneous Records,St.Andrew's Presbyterian Church, Quebec,p.126. This book contains a large amount of unique and very valuable material. There is no order to it,however and everything has been entered without respect to any plan.

Campbell,Robert,History of St.Gabriel Street Presbyterian Church,Montreal,Montreal,pp.183-188.

if Strachan had become minister of the Presbyterian Church in Montreal. The Church of England would have lost a doughty champion, and the Kirk have gained a man who would have been a great force in the effort to obtain part of the Reserves.

In this same year, (1803) the "Protestant Presbyterian Church of Montreal," as it had been called previously, first became known as connected with the Church of Scotland. The first record we have of its being mentioned as associated with the Kirk, is in a request of the members of the Church of England, for the use of the Presbyterian building for service. (32) The building used by the Episcopalian congregation had been burnt to the ground. The request was granted, and the two communions worshipped in the same building for some years.



32. Minute Book, Temporal Committee, St. Gabriel Church, Montreal,  
June 13, 1803, p. 67.

Chap. II CHURCH ENDOWMENT AND ESTABLISHMENT.

As we have seen already, the British Government definitely intended to give the Church of England virtual establishment in Quebec. For this purpose Carleton received, in the instructions of January 13, 1775, (1) orders to collect tithes from all Protestants, for the purpose of supporting a Protestant Clergy. In the same instructions, were included estimates for the civil establishment of the Province. These estimates contained, among other items, £800 for the support of four Protestant clergymen.(2) We have little knowledge of the manner in which this money was spent, but we may assume that it was granted to the clergy for whom it was intended. We know, too, that some of the clergy received aid from the Society for the Propagation of the Gospel in Foreign Parts (3) Besides the grants of the Society to its missionaries the government also granted them some aid. These grants were apart from the £800 already mentioned. We find Langhorn and Tunstall, newly arrived missionaries being granted £100 per annum, as had been done to Stewart and Toosey two clergymen who had come to Canada some time before.(4)

The grants made by the government in 1790 to the clergy of Quebec amounted to £1250. This sum was distributed as follows :

Mr. DeLisle, Montreal	£200
Mr. Tunstall	100
Mr. DeMontmollin, Quebec	200
Mr. Toosey	200
Mr. Veyssiere, Three Rivers	200
Mr. Doty, William Henry	100
Mr. Stewart, Kingston	100
Mr. Langhorn,	100
Mr. Bryan, Cornwall	50
	<u>£1250 (5)</u>

1. Supra.,p.7.
2. Shortt and Doughty,Docs.Relating to History of Canada,1918,  
p.613,Art.56.
3. Stuart,H.C.,op.cit.,p.48.
4. Grenville to Dorchester, Feb.20,1790,  
P.A.C.,Q 44-1,p.1.
5. "The Ecclesiastical State of the Canadas,"  
P.A.C.,Q 49,p.350.  
This chart appears to be come kind of a report sent to  
England in 1790.

Besides these grants of money, land was given to the clergy. Chaplains of regiments wishing to receive land were granted five hundred acres and fifty acres for each member of their families.(6) Moreover in all new townships a glebe of four hundred acres was set aside for clergy endowment. But because of the poverty of the settlers, these glebes were worth little at the time of their reservation and were useless for clergy support. Yet, as the population increased in numbers and wealth the glebes would become more valuable. (7)

In the Canada Act passed in 1791, the right of the Crown to receive tithes from the Protestant inhabitants was re-affirmed. The tithes were to be levied by the Governor-General.(8) They were not, however, to be used directly to support the clergy, for all grants for clergy stipends came from the Military Extraordinaries. (9)

These tithes were not to be permanent. Dundas, in a despatch sent to Dorchester in the same year in which the Canada Act was passed, stated that tithes were to continue only until the revenue from the Reserves was large enough to support the clergy. He said that if those subject to the tithes would clear the Reserves and make them suitable for leasing, the tithes would soon be removed. The Reserves would then support the Church without any difficulty.(10)

Who the clergy were, for whom the lands were reserved, is shown in the Commission of Lord Dorchester as Governor-in-Chief of Upper and Lower Canada.(Sept. 12, 1791.) The commission states inter alia:

"We do by these Presents Authorize and empower you from time to time, with the advice of the Executive Council ....of Upper and Lower Canada....from time to time to form, constitute and erect in the townships or parishes

6. Report of the Land Commission on the petition of Mr. Doty,  
Nov. 10, 1790, P.A.C., Q 45-2, p. 414.

7. Dorchester to Grenville, Nov. 10, 1790,  
P.A.C., Q 49, p. 30.

8. Infra., Appendix No. 3.

9. Sherbrooke to Bathurst, Jan. 14, 1818,  
P.A.C., Q 148-1, p. 74.

10. Dundas to Dorchester, Sept. 6, 1791,  
P.A.C., Q 63-1, p. 58.

within our said Provinces one or more Parsonage or Rectory according to the establishment of the Church of England and from time to time by and instrument under the seal of our said Provinces....to endow every parsonage and rectory with so much or such part of the lands so allotted and appropriated as by the said last recited Act....and empower you to present....to every church chapel or other ecclesiastical benefice according to the establishment of the Church of England within either or our said Provinces, an incumbent or Minister of the Church of England, who shall have been duly ordained according to the Establishment of the said church, and to supply, from time to time, such Vacancies as may happen."(II)

Yet in spite of these instructions it was not felt that an endowed clergy was sufficient recognition of the establishment of the Church of England in the Canadas. The Church needed someone to guard its rights, and be a connecting link with the government. An establishment was necessary for the security of the country's government; and this establishment must be represented by a bishop. (I2)

In 1793 Bishop Mountain was appointed. (I3) When he arrived in the Canadas, he found, besides a large number of Roman Catholics, 15,000 Protestants, most of whom were classed as dissenters.(I4) In fact, it was for the purpose of bringing these dissenters into the Church that the erection of the Diocese had been often advocated. The dissenters did little to help support the Episcopalian Clergy. While, as for the members of the Church, "no one thought of calling upon the people to support their own church. It was taken for granted that in an Established Church the clergy should be paid by the Government." (I5)

The problem of clergy support again brought forward the question of tithes. In the year 1792 the Vestry of Christ Church, Montreal, applied to the Governor for

11. Doughty, A.G. and McArthur, D.A., edits.,  
Documents Relating to the Constitutional History of  
Canada, 1791-1818, Ottawa, 1914, p.8.
  
12. Six Essays Published in the Public Advertiser, London, 1792,  
p.38.  
  
Simcoe to Dundas, Nov. 6, 1792,  
P.A.C., Q 279-1, p.169.
  
13. Supra., p.16.
  
14. Roe, op.cit., p.7.
  
15. Ibid., p.9.

incorporation. The granting of this request would, of course, have established Christ Church as a rectory of the Church of England, and a rectory, in England, has the right of tithes. This right was obnoxious to the petitioners. They wished to be incorporated as a rectory without the right of tithes.(16)

Attorney-General Monk, when the petition was submitted to him, declared that no parsonage or rectory could be erected in Lower Canada without the right of tithes. He stated that "the Canada Act had established the legal right to tithes."(17)

This opinion was confirmed by the Duke of Portland in 1794. He declared that:

"There cannot be a shadow of doubt relative to the construction of the Canada Act, which annexes to Rectories and Parsonages erected under the same, the enjoyment of all rights, profits and emoluments belonging to a Parsonage or Rectory in England, which must necessarily include tithes." (18)

The next year Attorney-General Sewell gave his opinion of the matter. He stated that tithes were in the power of the King and :

"that Protestant ministers of the Church of England duly presented to any Rectory or Parsonage erected in Lower Canada will not be entitled to demand Tythes of their Parishoners by virtue of the 39th section of Statute 31 Geo. III c. 31."(19)

The King, however, could grant the tithes to any person or persons he desired. Thus the position of all Church of England congregations in Lower Canada was this: If they were incorporated as rectories they must be given the right of tithes. On the other hand the right of tithes was vested in the King, and he alone could grant them to a rectory.

Tithes never had been collected in Lower Canada by the Governors,(20) and Dorchester was at a loss to know how to deal with the problem.(21) Instead of making a decision



16. Petition of Christ Church, Montreal, Oct. 29, 1792,  
P.A.C., S Series vol. 40, p. 112.
17. Monk to Clarke, Jan. 1, 1793,  
P.A.C., Q 66, p. 264, and Q 69-2, pp. 368-372.
18. Lindsey, Charles, The Clergy Reserves, Toronto, 1851, p. 6.
19. Doughty and McArthur, op.cit., p. 191.
20. Dorchester to Portland, July 11, 1795,  
P.A.C., Q 72-73-2, p. 336.
21. Dorchester to Portland, Oct. 10, 1795,  
P.A.C., Q 74-1, p. 199.

on his own initiative, he referred the whole matter to Portland, who in turn asked the opinion of the Law Officers of the Crown. Their opinion confirmed that of Sewell.(22) The vestries had no power to tithe. This power could only be granted by the King. Besides these opinions adverse to tithes, neither Dorchester nor Simcoe seem to have been in favour of that method of clergy support. (23) As a result of this no steps were taken towards the incorporation of churches for some years.

The clergy, however, had to be supported. As the Provincial Legislature did nothing,(24) the only remaining source of support was the Imperial Government. Thus we find the Bishop of Quebec asking Portland for £150 for each Episcopalian clergyman in the Canadas. This amount supplemented by the grants (£50) of the Society for the Propagation of the Gospel, would make a fairly munificent stipend. These grants, he hastens to add, would not be permanent. They could be withdrawn gradually as the revenues of the Clergy Reserves increased. (25)

Accompanying the Bishop's request was the petition from the Caldwell and Christie Manors. Each manor was ready to contribute £50 a year for the support of a clergyman.(26) In answer to this request Dorchester was instructed to grant £100 per annum to the clergyman appointed.(27)

In 1799 the Bishop again came forward with a long letter on the subject of clergy stipends. He complained that no clergy could be brought out to Lower Canada, because of the uncertainty of adequate financial support. Governor Prescott was not anxious to incorporate rectories. Thus, tithes could

22. Bishop of Quebec to Portland, Nov. 6, 1795,  
P.A.C., Q 74-2, p. 410.

24. Journals of the House of Assembly of Lower Canada, 1795,  
p. 83. Although grants were given to the Roman  
Catholic clergy, nothing was done for the Protestants.

25. Bishop of Quebec to Portland, Nov. 6, 1795,  
P.A.C., Q 74-2, p. 404.

26. Ibid., p. 407.

27. Portland to Dorchester, June 22, 1796,  
P.A.C., Q 75-2, p. 265.

not be levied. Moreover the proposed plan of the government for clergy support was not feasible. If put into operation, this plan would require settlers to guarantee a certain annual sum towards the support of a clergyman, before a government grant would be made. The people would be forced to mortgage their land. And naturally, even though then desired greatly, the offices of a Church of England clergyman, they were slow in adopting this method of supporting him.(28)

In replying to this letter, Portland said among other things, that he hoped that Milnes, the new governor, would establish regulations for rectories. It was to be understood, however, that tithes could not be collected. The source of support for the officiating clergy, should be the Provincial Legislature.(29) Apparently the impossibility of collecting tithes in Lower Canada, had made the Imperial Government see that some mode of clergy support, other than tithes, was necessary.

The Legislature of Lower Canada, however, was not to be depended upon. Because of this, the governor of Lower Canada was authorized by Portland to pay £100 per annum to all settled clergy, on the condition that the parishoners also subscribed something.(30) This was the best plan of support so far adopted. Portland spoke the truth when he said: "I have endeavoured to lay a foundation for the Establishment and progress of the Church of England in both the Canadas."(31)

In the letter in which he had replied to the Bishop of Quebec's request for aid, Portland had stated the necessity of establishing the Church of England in the Canadas. In obedience to this the Governor-in-Chief, on May 24, 1800 brought before the notice of the Executive Council "the

28. Bishop of Quebec to Portland, Apt 15, 1799,  
P.A.C., Q 83, pp. 346, 350 & 356.

29. Portland to Milnes, July 24, 1799,  
P.A.C., Q 82, p. 293.

30. King to Morice, July 30, 1799,  
P.A.C., Q 83, p. 390.

31. Portland to Milnes, Jan. 21, 1800,  
P.A.C., G Series vol. 1, p. 368.

expediency of entering forthwith upon such measures as are essential to the formation of a Church Establishment."(32) Evidently action was taken, for, on November 11, 1801, the Attorney-General brought into the Legislative Council a report on the method of erecting parsonages and rectories in the Province. This report was ordered laid on the table.(33)

Apparently nothing more was done about the question of ecclesiastical establishment; for, in 1803, we find Bishop Mountain complaining to Milnes, that, in spite of the instructions to the governors to establish the Church of England, no steps had been taken to accomplish this end. Nor could anything come of the attempt to establish the Church in Lower Canada, until further financial aid was rendered. The clergy in England would not come out for the sake of the Gospel, but for promotion and position. These could be given only, if the Church of England had more money. If sufficient were given, the Church could expand and absorb all the dissenters. Moreover to do this effectively the building which had been erected in Quebec should be legally created a Cathedral with a chapter as well as a bishop.(34)

As a result of this letter to Milnes, the Executive Council recommended that the Attorney-General draw up an instrument for the purpose of erecting and endowing rectories.(35) To aid him in doing this, a committee of the Council was appointed to decide upon the proper legal methods to be employed. This committee ruled that the governor and Executive Council had all the power necessary to erect and endow parishes.(36) But here the matter was left for the next two decades.

32. Minutes of the Executive Council, May 24, 1800,  
P.A.C., S 54, p.54.

33. Minutes of the Legislative Council, Nov. 11, 1801,  
P.A.C., Q 88, p.94.

34. Bishop of Quebec to Milnes, June 6, 1803,  
P.A.C., Q 92, p.240.

35. Minutes of Executive Council, June 6, 1803,  
P.A.C., Q 92, p.319.

36. Minutes of Executive Council, June 27, 1803,  
P.A.C., Q 96, p.207.

The following is a list of the stations and stipends  
of the Clergy of the Church of England in Lower Canada in 1805:

The Lord Bishop of Quebec	£2000 (37)
Rector of Quebec (paid by Government)	200
Do. of Montreal (Government grant £200 subscribed £80)	280
Do. Three Rivers (Government grant)	200
Do. William Henry (Government grant £100 S. P. G. Grant £50)	150
Lecturer at Quebec (Government grant)	100
Missisquoi Bay (Government grant £100 S. P. G. £50 subscribed £30)	180
Montmollin (obit; Government grant)	100
Verger of Cathedral, Quebec, (Government grant)	30 (38)
	<u>£ 3240 (39)</u>

Thus we see that the British Government was still carrying on the policy of Episcopalian Establishment in Lower Canada. Attempts had been made to give the Church legal and pecuniary establishment. Plans for erecting parishes had been formulated, and the clergy given financial support from government funds. But this policy of liberal financial aid was adopted in regard to the Church of England only.

In 1790 there were three ministers of the Kirk in the Canadas. But according to a report on the "Ecclesiastic State of Canada," these three men received only 50 between them. (40)

In the spring of the next year the Rev. John Young came to Montreal. He was requested to become the Presbyterian minister in that city.(41) To show their will and ability to support him, the members of the congregation raised a subscription for Mr. Young's stipend.(42) No one thought of approaching the government for aid until some two years later. At that time the congregation petitioned Lord Dorchester for a grant of money.



37. Bishop of Quebec to Bathurst, June 6, 1814,  
P.A.C., Q 130-3, p. 539.

38. Camden to Milnes, Dec. 6, 1804,  
P.A.C., Q 95, p. 164.

39. Milnes to Camden, Mar. 26, 1805,  
P.A.C., Q 97, p. 48.  
The list given is that sent to Camden with the addition  
of the stipends of the Bishop and Verger of Quebec.

40. P.A.C., Q 49, p. 350.

41. Supra., p. 20.

42. Minute Book, Temporal Committee, St. Gabriel Strt. Church,  
May 11, 1791, p. 1.

Concerning this petition Dorchester wrote to Dundas on December 31, 1793:

Sir:

I have lately received a Petition from several respectable inhabitants of Montreal soliciting an annual allowance to be granted to the Presbyterian minister at that place, and I am of the opinion that it might have a very good effect if a discretionary Power were given to the governor-in-chief to allow both dissenting Ministers at Montreal and Quebec Fifty Pounds a year each, so long as their conduct is such as becomes good and loyal subjects.

I am etc.

Dorchester.(43)

To this letter Dundas sent the following reply:

"....I see no objection to your Lordship's making such an allowance to the Presbyterian Ministers at Quebec and Montreal as your Lordship has proposed for my consideration in No. 13. But the allowance should be understood to be merely temporary and discretionary on the part of yr. Lordship, for your Lordship will recollect in framing the Canada Act that the reservation for the Church and Crown in all grants of land, was fixed at a larger proportion than was originally intended, with a view to enable the King to make from those reservations such an allowance to Presbyterian Ministers, Teachers and Schools as His Majesty should from time to time think proper...." (44)

Here we have an interpretation of the Canada Act by one of those who framed it. Apparently, at the time of the inception of the Act, it had been thought well to make some provision for the Presbyterian Clergy. However, Dundas speaks only of an "allowance," not of an equal establishment with the Church of England, as was claimed by the Kirk some years later.

Hobart, the Secretary for the Colonies, evidently contemplated carrying out the intentions of Dundas. He requested Milnes to give him information as to the amount of land necessary for the support of the Clergy of the Church of Scotland.(45) But after this request was made, nothing more was done about the matter.

The grants to the two Kirk ministers were

43. P.A.C., Q 67, p.49.

44. Dundas to Dorchester, May 11, 1794,  
P.A.C., Q 77-A, p.125.

45. Hobart to Milnes, Feb. 9, 1802,  
P.A.C., Q 90, p.21.

continued by Milnes.(46) But they were not nearly enough to support a clergyman. The members of the Kirk had to subscribe far more money than did the members of the Church of England. An excellent example for comparison of the two churches, is found in Montreal. In 1805 the government granted £200 to the Church of England rector, and the congregation subscribed £80.(47) To the Kirk minister in the same city £50 was granted while the congregation subscribed £150.(48) Altogether the Church of England received £3240 from the government. The Presbyterians received only £100. Yet it must be remembered that the only ministers who really belonged to the Kirk were Mr. Spark of Quebec and Mr. Bethune of Williamstown, U. C. Mr. Young although licensed in Scotland had been ordained in the United States.(49)

46. Milnes to Hobart, Dec. 30, 1802,  
P.A.C., Q 90, p. 4.

47. Supra., p. 29.

48. Minute Book., Temporal Committee, St. Gabriel Strt. Church,  
June 26, 1803, p. 71.

49. Campbell, Robert, Hist. of St. Gabriel Strt. Church, p. 44.

Chap.III. CHURCH PROPERTY AND GOVERNMENT ENDOWMENT.

The first Episcopalian congregation in the city of Quebec, obtained the use of the Recollect Church for service soon after 1759. Services were held in this building for the next thirty-seven years.(1) On September 6, 1796 the Recollect Church was burnt. Bishop Mountain then applied for the use of the Jesuit Chapel. He also asked that the Recollect property be granted for the site of a "Metropolitan" Church. Nothing was done at the time about this request.(2)

The Jesuit Chapel does not appear to have been very satisfactory for a place of worship on account of its state of disrepair. In 1799 we find the Bishop complaining to Portland that the Chapel was too small; there was not sufficient room for the troops. A new place of worship was needed if the Church of England was to maintain its position as "an established church in the Province."(3)

Governor Milnes suggested that a part of the Recollect property might be granted as the site of a Metropolitan Church. He also suggested that £400 should be given each year by the Imperial Government, to defray the expenses of constructing the building.(4) The following January, official permission to proceed with the erection of the church was received. (5) The same year (1800) in a letter to Portland, Milnes estimated the cost of the building at £4925. He said that more than his former estimate of £400 would be needed each year.(6) Portland agreed with him, and Milnes was instructed to draw on the Treasury for any reasonable sum over the £400. This grant was on the condition that the parishoners, themselves, subscribed something. (7)

1. Stuart, The Church of England in Canada, p.32.
2. Bishop of Quebec to Archbishop of Canterbury, Sept.17,1796,  
P.A.C.,Q 79-2,p.455.
3. Bishop of Quebec to Portland, April 15,1799,  
P.A.C.,Q 83,p.342.
4. Milnes to Portland, Nov.12,1799,  
P.A.C.,Q 84,p.4.  
In contemporary documents the Cathedral of the Holy  
Trinity is often referred to as the "Metropolitan Church."
5. Portland to Milnes, Jan.21,1800,  
P.A.C.,G 1,p.367.
6. Milnes to Portland, Oct.25,1800,  
P.A.C.,Q 85,p.196.
7. Portland to Milnes, January 1801,  
P.A.C.,Q 86-1,p.10.

In 1799 by Royal Letters Patent a commission was appointed to supervise the construction of the Metropolitan Church.(8) Plans were drawn up immediately; and Captain Robe of the Royal Artillery was delegated to oversee the work. (9) The first stone was laid on August 11, 1800 and the building was completed on May 1, 1804. (10)

During the five years of the construction of the church, the expenses increased steadily beyond the original estimate. In 1802 we find Milnes writing Hobart that the commissioners for building the church, state that the church would cost more than they had estimated in the original figure submitted. He would like more money in order that the building might be completed without unnecessary delay. Although it might be expensive, a metropolitan church was a necessity in the interests of the Church of England. Many of the Protestants in Lower Canada were dissenters; but in Milnes opinion they would probably throw off their dissent if the church were built. (11) Milnes evidently succeeded in convincing the Colonial Department of the importance of having a Metropolitan Church. The total cost of the church was \$80,000; and of this the Imperial Government paid a considerable part. (12) The church was created a Cathedral by Royal Letters Patent dated August 25, 1804. (13) In 1809 the Cathedral received from the Crown the gift of a Communion Service, Alter Cloth and prayer books for the Governor, Lieutenant-Governor, Legislative Council and Clergy. (14)

In Montreal, as in Quebec, the Church of England congregation commenced services in a Recollect Church. (15) This building did not satisfy them, however; and in 1789, on the visitation of the Bishop of Nova Scotia to Montreal, a petition was



8. Letters Patent for the Appointment of Commissioners for the erection of the Metropolitan Church,  
Commissions and Letters Patent, Lower Canada, Secretary of State Department, Ottawa, vols. i, fol. 429; ii, fols. 42 & 102.
9. Wurtele, Fred. C., "The English Cathedral of Quebec,"  
Transactions of the Literary and Historical Society of Quebec, No. 20, New Series, 1891, p. 74.
10. Ibid., p. 77.
11. Milnes to Hobart, May 17, 1802,  
P.A.C., Q 88, p. 151.
12. Wurtele, op. cit., p. 86.  
What the exact amount of the government's contribution was, it is hard to say. Ryland estimated it at £1800  
cf. Ryland to Peel, May 10, 1811,  
Christie, op. cit. p. 219.
13. Wurtele, op. cit., p. 125.
14. Milnes to Hobart, Jan. 5, 1803,  
P.A.C., Q 91, p. 2.  
  
Barrow to Harrison, Dec. 18, 1809,  
P.A.C., Q 113, p. 104.  
The Communion Service is still in the vaults of the  
Cathedral.
15. "An Account of Christ's Church in the City of Montreal,  
Province of Lower Canada,"  
Canadian Magazine and Literary Repository, Montreal, 1825,  
vol. iv, p. 217.

presented to him by the members and wardens of Christ's Church.

In this petition, request was made that the Jesuit Chapel be granted to the congregation. This could be done by His Majesty only, as all Jesuit property came into the hands of the Crown at the time of the Cession. A request was also made for money to help renovate the chapel. (16) In answer to this petition, Dorchester granted Christ's Church the use of the Jesuit Chapel, until His Majesty's will on the matter should be known. He also granted £300 to aid the congregation in renovating the building. The church was opened for service in 1789. (17)

The congregation of Christ's Church worshipped in the Jesuit Chapel until 1803. In that year a fire broke out in a building near the Church. Before the fire could be brought under control the Church, gaol and a number of other buildings had been burnt to the ground. (18) The congregation then obtained permission to use St. Gabriel Street Presbyterian Church. In this building they worshipped every Sunday afternoon until 1810. (19)

Although the congregation had found a temporary shelter in the Presbyterian Church building, they did not intend to remain there. The year following the fire, a petition was sent to the Colonial Department by the members and wardens of Christ's Church. This petition requested the grant of the site of the old Jesuit Church. If this were granted the congregation would proceed immediately to erect a building of their own. (20) In answer to this petition the site of the old gaol on Notre Dame Street was offered. (21) To this land, the congregation added a strip on the north side, thus extending their property to St. James Street. (22) They then proceeded to raise money for the erection of the building. A subscription list was made, and petitions for aid were sent to the

16. Stuart,op.cit.,p.70.

17. "An Account of Christ's Church...",pp.221-222.

18. Ibid.,p.224.

Milnes to Hobart,June 13,1803,  
P.A.C.,Q 92,p.296.

19. Campbell,R.,op.cit.,p.170.

20. Enclosed in:  
Milnes to Hobart,Feb.25,1804,  
P.A.C.,Q 94,p.68;cf.P.A.C.,C 63,p.102.

21. Camden to Milnes,June 7,1804,  
P.A.C.,Q 96,p.96.

22. "An Account of Christ's Church...",p.526.

British Government, the Archbishop of Canterbury and the merchants who had business interests in Lower Canada. The congregation itself subscribed £2767. (23)

In Three Rivers, the Episcopalians, under the Rev. M. Veyssiere, used a portion of the Recollect House, for a place of worship. A section of the house which was court-house and gaol in one, was granted to the congregation soon after the arrival of M. Veyssiere. The services were held on Sunday in the same room in which the court was held on week-days. In 1795, however, the west wing of the building was granted exclusively for church services. This was in answer to a petition presented by the congregation in 1783. (24)

In William Henry the Church of England services were held first on July 4, 1784 in the Roman Catholic Church. After four weeks the privilege of using the Catholic Church was withdrawn. The congregation then moved to the military barracks. In 1790 a church was built with aid granted by Lord Dorchester. The congregation occupied the building immediately upon erection. (25)

This question of the building of churches by Episcopalian congregations gave rise to a legal problem over church rates, much the same as that raised by the question of tithes. Christ Church, William Henry, in 1795 requested permission to assess the parishoners for the repair of the church. (26) The question was submitted to Attorney-General Sewell. He stated, in answer that the Ecclesiastical Law of England gave the Vestries of a parish the right to assess the parishoners for the repair of the church. But this law did not apply to Lower Canada. He was "therefore of the opinion that

23. Ibid.,p.528. As far as I can ascertain the only ones who gave any aid were the merchants. They subscribed \$4000.

24. Stuart,op.cit.,p.35.

25. Ibid.,pp.47-48.

26. Dorchester to Portland,Oct.10,1795,  
P.A.C.,Q 74-1,p.201.

the Persons officiating as Rectors, Wardens and Vestry of Christ Church, William Henry, are not a corporation and have no authority to call a Parish Meeting for the purpose of assessing the people."(27)

This matter, along with that of tithes, was referred to the Colonial Department, who sought the advice of the Law Officers of the Crown. The opinion given by the latter, was that the Provincial Legislature alone, could give the wardens and vestry of Christ Church, William Henry, the legal status of a parish. (28) This question was linked with that of tithes and incorporation, and the whole matter was left in abeyance until 1817.

Four years before the erection of the first Church of England building in Lower Canada, the Hon. James Cuthbert, Seigneur of Berthier, erected a Presbyterian Church on his seigneurie. The services, as I have mentioned above were discontinued after two years. (29)

For some twenty years before the erection of the building at Berthier, St. Andrew's Presbyterian Church, in Quebec City, had worshipped in the Jesuit "Barracks." (30) They were granted a room in the building by Carleton. This accommodation, however, did not satisfy the congregation. Thus in 1796, we find them preparing a petition to the governor for a grant of land on which to build a church. They asked for a plot one hundred feet square, between the Old Gaol and the Jesuit Garden. I can find no trace of this petition having been sent. (31)

In 1802, a second petition was drawn up and sent to the governor. In this, the congregation again asked for land. A provision for the seating of any Presbyterian troops in

27. Doughty and Mc Arthur, Documents, p.190.

28. Portland to Dorchester, Jan.13, 1796,  
P.A.C., Q 75-1, p.121.

29. Supra., p.19.

30. The building which is now used as the City Hall in Quebec was formerly the Jesuit residence, commonly known as the "Jesuit Barracks."

31. Petition of St. Andrew's Church, Quebec, Feb. 8, 1796, Miscel. Records, St. Andrew's Church, This petition is loose in the book and appears to be the original petition. I can find no reference to it in the Q Series or any other place. Apparently it was drawn up but never sent to the governor.

garrison was promised. It was also suggested that the best land available would be some portion of the Jesuit Estates within the city walls. (32) Milnes supported this petition, with the proviso that the land should be under the control "of the board which it is intended should have care of the Reserves above mentioned, or to any other control your Lordship may think proper." (33)

The prayer of the petition was favourably received. Milnes was instructed to choose, in consultation with the Council, a proper site for the church building. (34) Milnes replied on May 31, 1803, that there was no land of the Jesuit Estates available within the walls of the city, except the Jesuit Chapel. (35) This was the church about which Bishop Mountain had complained. Milnes recommended that it should be given to the Church of Scotland congregation. Accordingly Hobart sanctioned this grant by a dispatch dated September 17, 1803. (36) But the offer was refused. It would have taken £500 to make the Chapel fit for use. The St. Andrew's congregation chose to remain in the Jesuit Barracks, until a more suitable site for a church could be obtained. (37)

Meanwhile, in Montreal, the Presbyterian congregation, which since 1786 had worshipped in the Recollet Church, (38) had erected a building, in 1792, on St. Gabriel Street. No government aid was received in erecting this building. (39) A subscription was raised, land bought and the church erected at a cost of £851/0/9. (40) The debt on the building was removed almost immediately after its erection, but the land was not paid for until 1800. (41)

Thus we see that the Imperial Government carried on its policy of Episcopalian establishment in Lower Canada,



32. Petition of the Church of Scotland, Quebec, to the King,  
Nov. 6, 1802, P.A.C., Q 90, p. 8.
33. Milnes to Hobart, Dec. 13, 1802,  
Ibid., p. 4.
34. Hobart to Milnes, Feb. 9, 1803,  
Ibid., p. 21.
35. Milnes to Hobart, May 31, 1803,  
P.A.C., Q 91, p. 155.
36. Hobart to Milnes, Sept. 9, 1803,  
P.A.C., Q 92, p. 218.
37. Miscel. Records, St. Andrew's Church, Quebec, Dec. 15, 1804, p. 4.
38. Campbell, R., op.cit., p. 59.
39. Minute Book, Temporal Committee, St. Gabriel Strt. Church,  
April 20, 1792, p. 4.
40. Ibid., Sept. 12, 1796, pp. 9-10.
41. Ibid., May 30, 1800, p. 16.

in regard to the erection of church buildings. The Church of England obtained aid in the form of both land and money. The Church of Scotland, however, received no money, and very little land.

Chap. IV. PROTESTANT PUBLIC EDUCATION BEFORE 1805

Protestant education in Quebec before 1791 had made very little progress. Schools were opened by teachers, few of whom had proper qualifications. And nothing was done at this time for education by the Protestant Churches. Neither the Church of England nor the Church of Scotland, in their corporate capacities, attempted to aid education in Lower Canada, until late in the second decade of the nineteenth century. To understand later developments, however, we must make a rapid survey of the condition of education in the Province prior to 1791.

The first Protestant schoolmaster in Quebec was a certain Mr. Reid. We know little of him. In 1777 he was succeeded by James Tanswell, a native Englishman, who came from Nova Scotia to Quebec. (1) School-teaching was not very lucrative, and Tanswell soon found himself in financial straits. To obtain more pupils he wrote to Haldimand in 1783 asking for permission to call his school "His Majesty's Royal Quebec Academy." (2) The next year he petitioned Haldimand to give him rooms in which to house his school and family. (3) In spite of such aid his school never appears to have flourished. Later, to augment his salary as a school master, he obtained the position of court interpreter.

In Montreal, also, education had been making a little headway. John Pullman founded a school in Montreal in 1773. (4) He did this on the recommendation of Dr. Ogilvie. The school, however, never prospered. It closed in 1782. Finlay Fisher, another resident of Montreal, opened a school in 1778.

From 1786 onwards he received government aid. (5)

1. Annual Report, Public Archives of Canada, 1889, p.xx.
2. Petition of James Tanswell, July 14, 1783,  
P.A.C., Haldimand Collection, B 217, p.322.
3. Petition of James Tanswell, March 21, 1784,  
Ibid., p.392.
4. Annual Report, P.A.C., 1889, p.xx.
5. Ibid., pp.xx-xxi.

Another school was opened in Montreal in 1784 by the Rev. John Stuart. This school was operated in conjunction with that of Mr. Christie, who had been teaching in Montreal for some years. Christie received aid from the government, but, from the reports of Mr. Stuart, he was so inefficient that he was dismissed shortly after the latter's arrival. In 1786, Mr. Stuart gave up the school in Montreal and went, as the Church of England incumbent, to Kingston. (6)

Besides the above mentioned schools, there were others. We find mention of them in the reports of Rev. Messrs. Delisle and Toosey to Lord Dorchester, for his educational survey (1790). M. Delisle reported that in Montreal there was a Church of England school of forty-eight scholars taught by a Mr. Nelson. He also reported schools at Lachine and L'Assomption. (7) In Quebec City, besides Tanswell, according to Mr. Toosey, there were other school masters. He reported Daniel Keith with a school of thirty-two scholars, William Sarjeant with eleven, John Fraser with eighteen, Thomas Borrows with forty-one and Jones with fifty-three scholars. (8)

In the same year (1790), the paper on "The Ecclesiastical State of Canada" gives us a list of Protestant schoolmasters in the Province of Quebec. It is as follows: (9) (Government grants are shown opposite the names of recipients.)

Quebec:			Montreal:		
<u>Scholars</u>			<u>Scholars.</u>		
25	Tanswell	£100	42	Fisher	£50
18	Fraser		48	Nelson	
32	Keith		39	Bowen	
53	Jones		<u>17</u>	Gunn	
11	Serjeant		146		
<u>41</u>	Borrows				
195					

6. Ibid., pp.xxi-xxii.

7. Delisle to Moty, Oct. 4, 1790,  
P.A.C., Q 48-2, pp.665-666.

8. Toosey to Moty, Oct. 19, 1790,  
Ibid., pp.651-661.

9. The Ecclesiastical State of the Canadas, (1790)  
P.A.C., Q 49, p.350.

Quebec  
Scholars

Three Rivers:  
II Brown  
15 Morris  
26

Montreal  
Scholars

William Henry:  
I7 Bisset

Gaspé:

— Hobson

£25

No returns were sent from Gaspe, Lunenburg, Mecklenburg, Nassau and Hesse.

Apart from the spasmodic government grants for the support of schoolmasters, nothing was done to aid education until 1790. In that year, Dorchester reported that he was laying aside a glebe of two hundred acres of land in each township for the support of a free school and a schoolmaster. Due to lack of population, however, these glebes were as yet of little value. Until the revenue from them was sufficient, government aid for the support of schools would be necessary. There the matter was left until the following year. (10)

In that year on February 26th, Lieut-Gov. Sir Alured Clarke sent a message to the Legislative Assembly. In it he asked the House to make provision for the support of education. (11) The Assembly replied by requesting the governor to employ the revenues of the Jesuit Estates for that purpose. No reply was made to this request, and no steps were taken towards appropriating the Jesuit Estate revenues for education, until 1829. (12)

On the same day in which Clarke's message was read, William Grant, member for Upper Town, Quebec, introduced a bill "for the instructing of youth in useful learning by establishing schools in the different Parishes of the Province." This bill, on March 18th, was re-read in committee, and ordered

10. Dorchester to Grenville, Nov. 10, 1790,

Ibid., p. 28.

I can find no trace of these lands having been really reserved. It appears that they were set aside on paper only, but were never reserved in practice.

11. Jour. H. of A., Feb. 26, 1793, p. 250.

12. Christie, Hist. of Lower Canada, vol. 1, 1848, pp. 135-137.



to be translated. On April 4th it was given its second reading. But nothing more was heard of it after that. (13)

In the following year we find Bishop Mountain suggesting to Dundas the advisability of having good grammar schools in the Province. (14) The Bishop also suggested to Dorchester, in 1795, that English speaking teachers should be placed in each parish throughout the whole of the Province. They should be required to teach English free of charge, and all other subjects at reasonable rates. (15)

In the same year (1795), £205 was spent by the Legislature in subsidizing education. The money was distributed as follows:

James Tanswell, Quebec	£100
John Fraser	30
Finlay Fisher, Montreal	50
Benjamin Hobson, New Carlisle	25
	<u>£205.</u> (16)

These grants were later merged in the general appropriations for education in the Province.

The year 1797 saw the first definite attempt made to found a university in Lower Canada. On April 24th, William Grant moved a resolution in the House of Assembly, that a University was needed in the Province. But that is as far as it went. (17) However, in 1799, Bishop Mountain wrote to Milnes asking him to do his utmost in aiding education in Lower Canada. (18)

In forwarding this letter to Portland, Milnes advocated the granting of part of the waste lands for the support of grammar schools and a college at Quebec. This would be in addition to any grants from the Jesuit Estates. (19)

Portland agreed and instructed Milnes to appoint trustees to direct the erection of the schools. Bishop Mountain

13. Jour.H.of.A.,1791,pp.256,348,420.
14. Bishop of Quebec to Dundas,Sept.15,1794,  
P.A.C.,Q 69-2,p.385.
15. Bishop of Quebec to Dorchester,July 15,1795,  
P.A.C.,Q 74-2,pp.210-212.
16. Jour.,H.of A.,Feb.23,1795,p.97.
17. Ibid.,April 24,1797,p.175.
18. Bishop of Quebec to Milnes,Oct.19,1799,  
Christie,op.cit.,vol.vi,Montreal 1855,pp.38-41.
19. Milnes to Portland,April 5,1800,  
Christie,op.cit.,p.48.

was to be a member of this board. (20)

In the Speech from the Throne on January 10, 1801, Milnes again broached the subject of education . He informed the Legislature that His Majesty intended to grant land for the endowment of free schools. (21) Because of this statement, a bill on education was introduced to the Assembly on February 14, 1801, by a special committee. The bill was finally passed by the Legislature on March 23rd; but was reserved on April 8th for the Royal Assent. This was granted and proclaimed in Quebec on August 12, 1802. (22)

This Act was entitled "An Act for the establishment of Free Schools and the Advancement of Learning in this Province." (23) By it the Royal Institution for the Advancement of Learning was established. The corporation and its officers were to be appointed by the governor. The Institution was to have control of all public education, and make regulations for the guidance of all public schools. It was under the supervision of the governor, however, and he had the final word in all matters concerning the corporation. This act did not affect private or religious schools.

In the following year (1803) Hobart informed Milnes, that the King approved of the granting of land for the erection and endowment of public seminaries in Montreal and Quebec. But this question of colleges or seminaries was held in abeyance for the next ten years. (24)

It would be well to note at this point, that in all the correspondence concerning education in Lower Canada, no mention is made of any denominational control. The Church of England does not appear to have claimed, as it did later, that all education should

20. Portland to Milnes, July 12, 1800,  
Ibid., p. 49.

21. Jour., H. of A., Jan. 10, 1801, p. 134.

22. Ibid., 1802, pp. 156, 368, 436.

23. Lower Canada Statutes: 41 Geo. III, c. 17.

24. Hobart to Milnes, Sept. 9, 1803,  
Christie, op. cit., p. 68.

be under Episcopalian supervision. Up to this time Episcopalian, Presbyterian and Roman Catholic had worked together for the cause of public instruction.

Chap. V.     THE KIRK AND RIGHES OF CIVIL REGISTRATION.

The first Protestant clergymen who performed civil acts such as baptism, marriage or burial in the City of Quebec, were the clergy of the Established Churches of England and Scotland. The first registers were probably military registers; but we cannot be sure as they have disappeared. The first extant Protestant registration was made in 1768. It appears in the registers of the Church of England Parish of Quebec. (1) The first Kirk registration was made on December 11, 1770. (2) The registers of both churches contain registrations of ceremonies performed for soldiers as well as civilians. It appears, however, that in 1797 the use of a Military Register was instituted. This register was returned by the officiating clergyman to the authorities each year, with his civil register. (3)

In Montreal, the question of church registers at first aroused some ill-feeling between the English and Scottish communions. On October 23, 1791 a complaint was laid before the Vestry of Christ's Church by the vestry clerk. He stated that he had received no notification of the civil acts performed by the minister of St. Gabriel Street Presbyterian Church. He had written the Temporalities Committee of that church, requesting a copy of all their registrations. They had refused to give it, and in replying had denied that the Vestry of Christ's Church had any authority to supervise their registers. (4) The earliest Presbyterian registrations now extant date from 1796. Any unofficial registers which they had prior to this date have disappeared. (5)

With regard to this question of registration a law appears to have been passed in 1775. (6) By this law all

1. Register of Civil Acts, Church of England Parish of Quebec, p.1.
2. Register of Civil Acts, St. Andrew's Presbyterian Church, Quebec, p.1.
3. Ibid., Sept. 1, 1797, There is a note to this effect.
4. Campbell, R., Hist. of St. Gabriel Strt. Church, p. 205.
5. Register of Civil Acts, St. Gabriel Strt. Church, Jan. 1, 1796, p. 2.
6. I can find no trace of such an ordinance of 1775, but, from the petition of Christ's Church (cf. infra.) such a law was apparently in existence, or was understood to be so.

clergymen were required to keep registers of all ceremonies of a civil nature, performed by them. It appears, however, that neither Messrs. Delisle nor Tunstall, officiating clergy of Christ's Church, Montreal, had fulfilled the requirements of this law. Thus on December 17, 1793, the Hon. John Richardson laid a petition from the Wardens of Christ's Church, before the Legislative Assembly. This petition stated that the registers of the church had not been kept properly. A request was made that all civil ceremonies, performed by Messrs. Delisle and Tunstall, should be declared valid whether registered or not.(7) A committee of investigation was appointed by the House. This committee reported that the registers had not been kept as required by law. And it was also stated that the committee had "reason to believe that Marriages, Baptisms and Burials have been solemnized by other Protestant Ministers as well as the Episcopalian and Presbyterian at Montreal, and other parts of the province, without any registers whatever having been kept of them."(8)

As a result of this report, a bill was introduced to the Assembly early in the following session. This bill was for the purpose of making valid all former marriages, and providing for proper registration in the future. It became law on May 4, 1795 (9) (35 Geo. III c. 4. ), and by it every "rector, curate, vicar, or other priest or minister" was instructed to keep two registers. Both were to be certified by a magistrate of the Court of King's Bench. One of the registers was to be retained by the officiating clergyman, and the other was to be returned to the Court.

Two years before the passing of the Registration Act in Lower Canada, a similar act had been passed in Upper Canada.



7. Jour., H. of A., Dec. 17, 1793, p. 62.

8. Ibid., April 22, 1794, p. 220.

9. Ibid., May 4, 1795, p. 297.

This act had given the monopoly of performing civil ceremonies, to the clergy of the Church of England. A protest was made against the bill by the Rev. John Bethune, then resident in Williamstown, U. C. (I0) But the protest was rejected by Governor Simcoe. (II) It was thus impossible for a Protestant to be married by a Protestant clergyman other than one of the Church of England.

This attitude of the government gave rise to some rather bitter feelings. To quieten matters, the Rev. Mr. Stuart, who had been appointed Commissary of the Bishop of Quebec in Upper Canada, suggested that the dissenters should be given the rights of registry. The marriage licenses, however, were to be issued to the dissenting ministers by him. Mr. Stuart's suggestion was submitted to the law officers in Upper Canada. (I2) They advised that the legality of such a proceeding would depend entirely upon the wording of the commission of the Bishop of Quebec. If the Bishop had the right to issue marriage licenses, the suggestion could be followed. (I3) It was found, however, that the Bishop had no power to issue marriage licenses, as this power was vested in the governor. (I4)

This fact was admitted in 1796 by the Archbishop of Canterbury. But he suggested that though the governor should still receive the fees, the bishop might be the person authorized to issue the licenses. (I5) Portland did not know what to do. In 1799 he wrote to Milnes suggesting that it might be well to delegate the power of issuing licenses, to the Bishop. (I6) But as he did not appear very anxious for this to be done, Milnes left the matter as it was.

10. Kingsford, Hist. of Canada, vol. vii, p. 427.
- 11. Simcoe to Portland, June 20, 1796,  
P.A.C., Q 282-2, p. 483.
12. Riddell, Hon. Wm. Renwick,  
The Life of John Graves Simcoe,  
Toronto, 1926, p. 352.
13. White to Simcoe, June 2, 1796,  
P.A.C., Q 282-2, p. 504.
14. Doughty and McArthur, op. cit., p. 26, sec. 45.
15. Archbishop of Canterbury to (Portland), June 7, 1796,  
P.A.C., Q 77, p. 323.
16. Portland to Milnes, July 24, 1799,  
P.A.C., Q 82, p. 282.

It was not until 1802 that the question of marriage registration again became of importance. At this time it obtained prominence through the actions of the Rev. Clarke Bentom, minister of St. John's (Independent) Chapel, in the City of Quebec. Mr. Bentom, since his arrival in Quebec in 1801 had kept two registers as required by law. (17) But in the year following Bentom's arrival, Bishop Mountain remonstrated with him, because he was performing marriages and other civil ceremonies. The performance of these ceremonies, according to Bishop Mountain, was reserved to the clergy of the Established Church of England. Bentom paid no attention to the Bishop's objections. The latter thereupon laid the matter before Attorney-General Sewell, who ordered Bentom to cease performing any civil acts. Bentom, however, paid no more attention to the Attorney-General than he had done to the Bishop.

The next year, Bentom applied to the Court of King's Bench for registers, as he had done at the beginning of the two preceding years. This time the registers were withheld, as he was neither a minister of the Churches of Rome, England, nor Scotland. This did not stop Bentom. He procured registers of his own, and continued as before. On March 23, 1803 he was arrested and brought before the Court of King's Bench on a charge of performing marriages without the proper authority. His trial lasted until the spring of 1804, and when the verdict was rendered he was found guilty. In giving sentence, the court declared that the Clergymen of the Church of England, were the only Protestant clergy who had the right to perform marriages. (18)

17. Riddell, Hon. Wm. Renwick, "When a Few Claimed Monopoly of Spiritual Functions," Ontario Historical Society Papers and Records, vol. xxii, 1925, pp. 202-206. A very full account of the episode is given in this article.

Register of Civil Acts, St. John's Chapel, Quebec,  
Oct. 19, 1801.

18. Milnes to Camden, Aug. 18, 1804,  
P.A.C., Q 95, pp. 3-4.

The court also ruled, that all marriages performed by clergy other than those of the Churches of England or Rome, were liable to be questioned. It was added, however, that a bill to deal with the question of the validity of marriages performed previous to this judgment, would be introduced shortly to the Legislature. Some weeks later, on April 9th, a bill for the purpose of ratifying all marriages performed " by Protestant Dissenting Ministers" was sent down to the Assembly by the Legislative Council.(19) The bill limited the rights of performing civil ceremonies for Protestants, to the Church of England. In the Assembly it was modified somewhat and a distinction was made between dissenting ministers and ministers of the Church of Scotland. (20) The bill was passed by the Council as amended, and received the Royal Assent on May 2, 1804. (21)

This bill did not put an end to the question of the Kirk's rights of registration. On April 11th, two days after the introduction of the above-mentioned bill to the Assembly a second one arrived from the Legislative Council. This bill was entitled: "An Act for the Relief of Protestant Dissenters professing the Religion of the Church of Scotland." (22) It seems probable, that the members of the Church of England in the Council, thought that this bill would silence any members of the Kirk in Lower Canada, who were opposed to the first bill. It may have been thought, too, that if the members of the Kirk accepted the bill, they would acknowledge themselves as dissenters.

There appears to have been an attempt made to rush the bill through the lower house, on the day of the first reading. This attempt failed. (23) On April 23rd the House formed itself into a committee of the whole, and a large number of amendments

19. Jour, H. of A., April 9, 1804, p. 338.

20. Ibid., April 18, 1804, p. 386.

21. Ibid., p. 486.

22. Ibid., April 11, 1804, p. 358.

23. Ibid., April 13, 1804, p. 362.

were made to the bill. The title was changed to: "An Act to remove all doubts touching the Establishment of the Religion of the Church of Scotland in the Province of Lower Canada." The bill was also amended so as to state that:

"it is hereby declared by the same authority, that His Majesty's subjects professing the said Religion of the Church of Scotland in the said Province of Lower Canada, may have, hold and enjoy, the free exercise of the religion of the Church of Scotland in as full and ample a manner as His Majesty's other subjects professing other Religions established in the said Province, may enjoy the free exercise of the said Religions respectively."

Besides this, the bill attempted to demonstrate what was meant by an established religion. It stated that the religion of the Church of Scotland

"was introduced into this province by the conquest, as one of the established Religions of Great Britain." (24)

The amended bill was passed and returned to the Council. But as the session was drawing to a close the bill does not appear to have been re-considered by its originators. In October of the same year, Bishop Mountain wrote a letter to the Colonial Department very much against the amended bill. His objection was that it established the Church of Scotland in Lower Canada. (25) From this time the bill is heard of no more. Apparently the Council was not anxious to pass a bill which set forth, so explicitly, the establishment of the Kirk in the Province. John Fleming in his Political Annals of Lower Canada (1828) states that this bill was withdrawn at the instance of the members of the Kirk. They did not wish to be called dissenters. (26) This does not seem to be the case, however, for the bill, as amended, by the Assembly, would have established the Church of Scotland in the Province.



24. Ibid., April 25, 1804, p. 430.

25. Bishop of Quebec to Camden, Oct. 24, 1804,  
P.A.C., Q 96, p. 174.

26. (Fleming, John,) Political Annals of Lower Canada, Montreal, 1828, pp. 73-74.

On February 15th of the following year (1805) a petition from the members of the Kirk of Lower Canada was presented to the Assembly by the Hon. James McGill. The petition prayed that the members of the Church of Scotland should be given equal rights in the Province, with the members of the Church of England. The petition was ordered laid on the table. (27)

Four days after the petition of the members of the Kirk had been presented to the Assembly, a petition was received from St. Peter Street Presbyterian Church, Montreal. (28) The petitioners asked that the minister of the church, the Rev. Robert Easton, should be given the rights of registration. But as he belonged to the Associate Synod of Scotland, and not to the Kirk, the prayer of the petition was refused. Registers were not granted to the St. Peter Street Church until 1815. (29)

27. Jour., H. of A., Feb. 15, 1805, pp. 238-240.

28. Ibid., Feb. 19, 1805, p. 264.

29. Gregg, Hist. of Presbyterian Church, p. 163.

Part III 1805-1819

Chap. I. PROTESTANT CLERGY SUPPORT BY GOVERNMENT GRANTS  
AND LAND ENDOWMENT.

The method which Portland inaugurated of supporting Episcopalian clergy in 1799, continued to be in use until 1814, Every settled clergyman received ~~£~~100 per annum on condition that his parishoners also subscribed. The clergy in the important towns, however, received more than the mere ~~£~~100. In 1809 we find the salary of the clergyman at Quebec increased by ~~£~~200, at Montreal by ~~£~~100 and at William Henry by ~~£~~50. This was in correspondence to the amounts received by the clergy in Upper Canada. (1)

In the year 1814 the method of clergy support was altered. Instead of making individual grants to the clergy a lump sum was voted by the British Parliament each year, for the use of the Society for the Propagation of the Gospel. Thus, during the period 1814-1819 the Society received, from the British Government annual sums varying between ~~£~~1800 and ~~£~~8912 (2) These sums of money were to be employed in missionary enterprises in the colonies. Of the grants thus made, the Church of England in Lower Canada received sums varying between ~~£~~150 and ~~£~~5031. (3) This money was used to defray, partially, the salaries of the missionaries of the Society in Lower Canada. Some of the clergy such as those at Quebec, Montreal and Three Rivers were still paid from the Military Extraordinaries. They were not under the direction of the missionary society. (4)

Retiring allowances were also granted to the clergy of the Church of England by the Imperial Government. In the year 1811, Liverpool wrote Craig, that His Majesty had been pleased to

1. Castlereagh to Craig, Jan. 5, 1809,  
P.A.C., G 3, p. 103.

2. An Account of the Receipts of the S.P.G.,  
P.A.C., Q 169, p. 221(a)  
Between 1814 and 1823 the grants were as follows:

1814	£1800/0/0	1819	£7762/10/0
1815	5730/0/0	1820	11512/10/0
1816	7560/0/0	1821	9387/10/0
1817	8126/5/0	1822	9412/10/0
1818	8912/10/0	1823	9212/10/0.

3. Infra., Appendix No. 4.

4. At this time there seems to have been no set system of paying the clergy. Some were paid entirely from the Military Extraordinaries, some from the S.P.G. and some received stipends from both. The Rectors of Quebec, Montreal, William Henry, Three Rivers, Chatham Caldwell etc. all received grants from the Military Extras, and all except the first three received aid from the S.P.G. Cf. Sherbrooke to Bathurst, Jan. 14, 1818, P.A.C., Q 148-1, pp. 73-74 & 101.

grant \$100 retiring allowance to every missionary of the Society for the Propagation of the Gospel. This allowance was given on condition that the missionary laid before the Society a statement, signed by the Governor, certifying his time of service. (5) The Society, however, did not approve of this method of pensions. Thus, in 1813, we find the arrangement altered. Provision was made that all missionaries who had been in Canada for ten years, and were certified by the Society as infirm, would receive \$100 per annum. Widows were to receive half the regular allowance. (6)

According to some accounts, during this period, the Episcopalian clergy were rapidly increasing in numbers. Thus, expenses for their support likewise increased. To obtain more help Prevost wrote to Bathurst in 1815. He asked that more clergy should be sent out. And, to support them more money would be needed. (7) In order to satisfy this need, two lines of action were taken. The first was the creation of the Clergy Corporation, and the second was the attempt to erect and endow rectories and parsonages.

According to Lindsay, Clergy Reserves had never been made in Lower Canada before 1796. Then the reserving of the land commenced. (8) In the same year that the first reserve was made, it was advocated that the Reserves should be placed under the control of the Church of England. (9) In 1803 we find the same suggestion made by Bishop Mountain in a letter to Milnes. The Bishop suggested that the lands should be put in the hands of a corporation composed of the Bishop of Quebec, the Dean and Chapter of the Cathedral, and the clergy of Province. He also suggested, in the same letter, that the Cathedral at Quebec might be endowed with part of the Crown Lands. (10)

5. Liverpool to Craig, June 22, 1811,  
P.A.C., G 4, p. 124.
6. Bathurst to Archbishop of Canterbury, June 16, 1813,  
P.A.C., Q 204-2, p. 450.
7. Prevost to Bathurst, Jan. 22, 1815,  
P.A.C., Q 135, p. 58.
8. Lindsay, Clergy Reserves, p. 3.  
Lindsay is doubtless correct for like Dorchester's  
school glebes, the clergy glebes of 1790, appear to  
have been made only on paper. The real reserving of  
land does not appear to have commenced until 1796.
9. Finlay to King, July 8, 1796,  
P.A.C., Q 77, p. 350.
10. Bishop of Quebec to Milnes, June 6, 1803,  
P.A.C., Q 92, p. 253.

No more thought appears to have been given to the idea of a clergy corporation for the control of the Reserves, until 1815. In that year, the Bishop wrote Governor Drummond enclosing a copy of a proposed constitution of a clergy corporation. This corporation was to administer the Clergy Reserves in Lower Canada. It was to have the legal power of leasing and collecting the rents of the Reserves, and the revenue thus obtained were to defray all expenses of the corporation. The idea of this ecclesiastical body had originated with the Bishop, but he assured Drummond that the Executive Council heartily endorsed the proposal.(II)

The plan was forwarded to Bathurst, who had a charter of incorporation drawn up in accordance with the wishes of the Bishop. And, as the Law Officers of the Crown saw no objection to the creation of the proposed corporation, the charter was granted. (12) By a letter dated August 6, 1816, Bathurst informed Sherbrooke, who had succeeded Drummond, that both the Prince Regent and the Law Officers approved of the corporation. Sherbrooke, therefore, could proceed to appoint the members. (13)

The trustees of the Corporation were appointed by the Governor and Executive Council under the Great Seal of the Province; (14) the Bishop of Quebec being the president of the body. It would appear that nothing was known of the Corporation until 1820. This is actually asserted by the Hon. William Morris, a member of the Legislative Assembly of Upper Canada.(15) It is also borne out by the surprise with which the Kirk greeted, in 1820, the Corporation's claim to exclusive control of the Reserves. (16) Why this silence was maintained it is hard to say. But it may have been due to a letter from Buchanan, the British Consul in New York.



11. Bishop of Quebec to Drummond, Aug. 16, 1815,  
P.A.C., Q 136, pp. 215-216.
12. Law Officers of the Crown to Bathurst, July 13, 1816,  
P.A.C., Q 139, p. 11.
13. Bathurst to Sherbrooke, Aug. 6, 1816,  
P.A.C., G 8, p. 137.
14. Report from the Select Committee of the House of Commons  
on the Civil Government of Lower Canada, July 22, 1828,  
Imperial Paper No. 569, Evidence of Rt. Hon. Wilmot Horton,  
Jan. 7, 1828, p. 309.
15. Morris, Hon. William, A Letter on the Subject of the  
Clergy Reserves Addressed to the Very Reverend Principal  
MacFarlan and the Reverend Robert Burns, D.D., Toronto,  
1838, p. 6.
16. Infra., p. 87.

He warned Bathurst that unless the religious question in the Canadas was settled as freely as in the United States, the Canadians would join the Republic. (17)

About the same time that the question of a clergy corporation for the administration of the Clergy Reserves was suggested, the question of the legal erection and endowment of rectories was revived. Unlike the efforts made in the last decade of the preceding century, it was acknowledged that the rectories would not have the right of tithes. But, Bishop Mountain, while admitting this, said that the Clergy Reserves had been received in exchange for this right. (18)

In 1817, while the Bishop was in England, he was consulted by Bathurst concerning the most suitable method of erecting parsonages and rectories. The Bishop replied that the Legislative Council had received all the information necessary on that point; but they had done nothing. (19) In the spring of the following year, Bathurst received a suggestion regarding the rectories, from the Society for the Propagation of the Gospel. The society advocated the erection of a Clergy Corporation in Upper Canada to endow all rectories in that Province. A declaratory law stating that the rectories would not have the right of tithes was also advised. (20) If this law had been passed, it would doubtless have stated that the Clergy Reserves were given in exchange for the tithes. This would then have given the Church of England a strong presumptive right to all the Reserves.

Bathurst approved of the erection and endowment of parsonages and rectories. On April 2, 1818 he sent instructions

17. Buchanan to the Secretary of State, Nov. 30, 1817,  
P.A.C., Q 147-1, p. 77.

18. Bishop of Quebec to Bathurst, Dec. 17, 1816,  
P.A.C., Q 140-2, p. 458.

19. Bishop of Quebec to Bathurst, July 29, 1817,  
P.A.C., Q 147-2, pp. 469-471.

20. S.P.G. to Bathurst, Mar. 18, 1819,  
P.A.C., Q 150-1, p. 150.

to Sherbrooke, to erect and endow parsonages and rectories in every township in the province of which he was governor. But it was to be understood that the rectors were to have no power to tithe the parishoners.(21)

A few months later, on August 12, 1818, Christ's Church, Montreal, was created a parish and endowed with a small amount of land. In connection with the parish a rectory was also created. No other parishes were legally erected in Lower Canada until after 1821. When they did receive Royal charters, however, it was more to obtain the privileges of a corporation, than to obtain an endowment which was always very small.(22)

During the same period that plans were being made for clergy support from land revenues, grants of money for the same purpose were being made by the Imperial Government. In 1816 there were three Episcopalian clergymen in the Eastern Townships, each of whom received a stipend of £200. This sum was drawn both from contributions to the Society for the Propagation of the Gospel and the Imperial Government grants. (23) In 1819 the stipend of the Bishop of Quebec was increased by £600 as a sign of the Prince Regent's interest.(24)

The Church of Scotland clergy did not receive nearly such munificent aid as that accorded to their brethren in the Church of England. Though St. Andrew's Church, Quebec, set aside pews for the governor and one hundred and fifty soldiers, the minister continued to receive only £50 per annum from the Government. (25) Besides the offer of the free sittings for the troops, the minister of the congregation acted as the chaplain for most of the non-conformists in the garrison regiments. When Mr. Spark, the minister, died in 1819, a petition was sent to the

21. Bathurst to Sherbrooke, April 2, 1818,  
P.A.C., G 10, p.20.
22. Cf. Letters Patent for the Erection of the Parish of  
Quebec, Commissions and Letters Patent, Lower Canada,  
Secretary of State Department, Ottawa, vol. v, fol. 338.
23. Stewart to the British Public, June 24, 1816,  
P.A.C., Q 140-2, p.526.  
The Government grants referred to, were probably the  
grants given from the Military Extraordinaries.
24. Bathurst to Richmond, May 26, 1819,  
P.A.C., G 10, p.185.
25. Spark to Fay, Dec. 5, 1810,  
P.A.C., S 85, fol. 320.

Duke of Richmond, the Governor-in-chief. It was requested that Richmond would grant more than £50 per annum to the new minister.(26) Richmond replied that he would grant the £50, but no more could be expected.(27) Following this reply to their petition, the congregation memorialized the General Assembly of the Church of Scotland. It was requested that a minister might be sent out to take Mr. Spark's place, and that the Assembly would bring influence to bear upon the Prince Regent, in order to obtain assistance for the Church at Quebec. (28) No increase in the grant was obtained.

In Montreal, the Presbyterians received the same amount of government aid, By 1811 the congregation of St. Gabriel Street Presbyterian Church was giving the Rev. Mr. Somerville £200 per annum, besides the Government grant of £50.(29) In 1816 it was felt that a colleague was needed to assist Mr. Somerville. (30) To support the colleague the givings of the congregation had to be doubled, since no aid was given by the Government.(31)

In some ways the ministers among the dissenting Presbyterians had more chance of receiving aid than did the ministers of the Kirk. In 1815, Bathurst sent a memorandum to Drummond which stated that:

"....Should any number of Families proceeding from the same part of the United Kingdom, or possessing any joint stock or funds, be desirous of settling in the same neighborhood in Canada, care will be taken to allot them lands as nearly as possible contiguous to each other; and a sufficient portion of land will be appropriated in the midst of such settlers for a Church and for the maintenance of a Clergyman and Schoolmaster; and in case a sufficient number of settlers so united should be accompanied from the United Kingdom by a person of either of the above functions, who possesses their confidence and can be well recommended, a salary will be provided of £100 per annum to the Minister and £50 per annum to the School-master."(32)

This promise was fulfilled in two cases. The first was that of the Rev. William Taylor. He was appointed by the

26. Petition of St. Andrew's Church, Quebec, 1819,  
P.A.C., S 142, fol. 8.
27. Richmond to St. Andrew's Church, May 1, 1819,  
Miscel. Records, St. Andrew's Church, p. 31.
28. Ibid., May 1819, p. 33.
29. Minute Book, Temporal Committee, St. Gabriel Strt Church,  
April 16, 1811, p. 168.
30. Ibid., Dec. 22, 1816, p. 194.
31. Ibid., p. 183.
31. Bathurst to Drummond, March 20, 1815,  
P.A.C., G 57, p. 57.

Associate Reformed Synod to St. Andrew's, Argenteuil County, Lower Canada. He was to receive ~~£~~\$100 per annum .(33) As Mr. Taylor went to Osnabruck, U. C., instead of St. Andrew's he did not receive the Government allowance. The Rev. Archibald Henderson, also of the Reformed Synod, who arrived in St. Andrew's the following year, received it instead. (34) The other case in which the promise was fulfilled is that of the Rev. William Bell. He was also a minister of the Reformed Synod of Scotland, and was settled at Perth, U. C.(35)

Thus we find that, until the middle of the year 1819, the Church of England is the only Protestant Church in Lower Canada, which has a status approximate to that of an established church.



33. Bathurst to Sherbrooke, April 12, 1817,  
P.A.C., G 9, p. 96.

34. Bathurst to Sherbrooke, May 16, 1818,  
P.A.C., G 10, p. 41.

35. Bell, Rev. Wm., Hints to Emigrants, Edinburgh, 1824, p. 71.

Chap. II. GOVERNMENT GRANTS FOR CHURCH BUILDINGS.

It appears that around the end of the year 1807, the question of <sup>/</sup>Parish rates for the repair of churches was again raised. The opinion of the Law Officers of the Crown, this time, was that dissenters would be subject to rates, but would also have the right to vote in the vestries.(1) This opinion was evidently not considered of very much importance, as the matter was never heard of again.

Meanwhile the Episcopalian Cathedral in Quebec was not receiving the popular support which had been expected. On April 28, 1808, we find the Bishop writing to Castlereagh that the expenses for the upkeep of the building had amounted to over £4000. (2) The Cathedral was in debt for this amount. Castlereagh, however, appears to have paid no attention to the Bishop's communication.

Then in 1814, we find that the Lords of the Treasury were asked for aid to repair the Cathedral. They replied that, before they would grant anything, they wished to know if the expenses of these repairs could not be borne by the City of Quebec, or by some provincial fund.(3) This message was forwarded to Drummond, the governor.(4) He replied that there were no funds available from which the money could be taken. He suggested, however, that the money for repairing the Cathedral might be appropriated from the revenues of the Jesuit Estates. The annual income from the Estates was £4500. It would be entirely proper for such funds to be used for supporting "the established Church in the Province."(5) This suggestion was adopted, and by a despatch dated April 14, 1817, Bathurst authorized Drummond to use the revenue of the Jesuit Estates, to meet the expenses incurred in repairing the Cathedral.(6)

1. Doughty and McArthur, Documents, p.341.

Opinion of Sir John Nichol on the Powers of the Bishop of Quebec, April 23, 1808, P.A.C., Q 108, p.112.

2. Bishop of Quebec to Castlereagh, April 28, 1808, P.A.C., Q 108, p.176.

3. Arbuthnot to Bunbury, Sept. 9, 1814, P.A.C., Q 130-1, p.40.

4. Bathurst to Drummond, Nov. 15, 1815, P.A.C., G 7, p.107.

5. Drummond to Bathurst, Feb. 12, 1816, P.A.C., Q 136, p.30.

6. Bathurst to Sherbrooke, April 14, 1817, P.A.C., G 9, p.103.

In 1808 another question of the same type arose. This time it was in connection with a residence for the Bishop. Bishop Mountain informed Castlereagh that there was a house for sale in Quebec which would be very suitable as a "See House". It could be bought for between £3500 and £4000.(7) But Castlereagh did not favour the purchase of this house. Thus instead of being given a residence, the Bishop was granted £400 a year as a rent allowance.(8)

In 1817 the same problem arose in connection with the Rector of Quebec. A request was made that the Imperial Government should pay for the erection of a residence for the incumbent. But Bathurst would not comply with this request.(9) However, later in the same year, the Imperial Government granted the Rector of Quebec £90 per annum, for house rent.(10)

In Montreal, the members of the Church of England were making effort to complete the structure of their church. Since the fire in 1803, the congregation had succeeded in erecting part of the building. But they could not complete it owing to lack of funds. On March 5, 1809, the congregation petitioned Castlereagh for aid to finish the building. (11) This petition was forwarded to the secretary by Craig. In the letter which accompanied it, Craig lamented that the building was falling to pieces, and that the congregation had to use a dissenting meeting house(St. Gabriel Street Presbyterian Church) for service.(12)

Castlereagh replied to this petition by stating that he would ask the Imperial Government for £4000 to complete the church, (13) This was found unnecessary. The Cathedral at Quebec had been erected on the instructions of the Secretary

7. Bishop of Quebec to Castlereagh, Aug. 8, 1809,  
P.A.C., Q 108, p. 215.  
In all contemporary documents the residence of the  
Protestant Bishop of Quebec is referred to as the  
"See House."
8. Castlereagh to Craig, Jan. 5, 1809,  
P.A.C., G 3, p. 103.
9. Bathurst to Sherbrooke, April 14, 1817,  
P.A.C., G 9, p. 103.
10. Bathurst to Sherbrooke, July 30, 1817,  
Ibid., p. 196.
11. Petition of the Wardens and Members of Christ's Church,  
P.A.C., Q 111, p. 157.
12. Craig to Castlereagh, Sept. 8, 1809,  
P.A.C., Q 110, p. 12.
13. Castlereagh to Craig, Jan. 1809,  
P.A.C., Q 111, p. 141.

of State, and the expenditures had been included in the public accounts of Lower Canada, transmitted to the Lords of the Treasury.

(14) Following this precedent, the same action was taken in regard to the church at Montreal, But owing to ignorance of Canadian geography, the grant was included in the accounts of Upper Canada. (15) The agent of the upper province drew the money, but was slow in remitting it to the congregation in Montreal. (16) This caused them considerable delay; but they finally obtained the money, and the church was completed about the year 1820. (17)

Other buildings were being erected by the Church of England with Government aid, in different parts of the Province. In 1817 we find £500 granted to erect a church at Dorchester (St. Jean). (18) This money was placed on the accounts of the civil expenditure of Upper Canada for 1817. (19) In the same year Bathurst approved the erection, at Government expense, of a church and school at Drummondville. (20)

The treatment accorded to the Church of England in Lower Canada by the Imperial Government, is somewhat different to that accorded to the Church of Scotland. Until 1807 the congregation of St. Andrew's Church, Quebec, had occupied a room in the Jesuit Barracks. In that year, on October, 6th, the minister, the Rev. Mr. Spark, received a letter from General Brock. He was informed that the troops might need to use the apartment which the congregation was then occupying as a place of worship. Because of this, the congregation was to be ready to vacate the apartment on short notice. (21)

Mr. Spark replied that the congregation had used the room in question for forty years. Some years before, in 1802, the congregation had applied for a grant of land for the site of a church.

14. Christie, Hist. of Lower Canada, vol. vi, p. 219.
15.      to Prevost, Jan. 1, 1812,  
P.A.C., Q 117, p. 2.
16. "An Account of Christ's Church," p. 528.
17. Ibid., p. 530.
18. Lushington to Goulburn, Dec. 7, 1816,  
P.A.C., Q 139, p. 148.
19. Estimates &c., Miscellaneous Accounts for 1817, Imperial,  
P.A.C., PF 64, p. 4.
20. Bathurst to Sherbrooke, Jan. 2, 1817,  
P.A.C., G 9, p. 1.
21. Brock to Spark, Oct. 6, 1807,  
Miscel. Records, St. Andrew's Church, p. 5.

But they had never received it. Therefore, the congregation did not intend to leave the Barracks.(22) Despite this protest, on November 3rd, the congregation was requested to find some other place of worship. To accommodate them the lower room of the Court House was granted for service.(23)

This did not prove satisfactory. Thus on May 27, 1808, the members of St. Andrew's Church, requested Craig to grant them a piece of land behind the Protestant Cathedral, near Garden Street. (24) A month later, Craig replied that he could not do this. Both the Cathedral and the Court House had need of the land. He advised the congregation to choose some other lot. (25) Finally application was made for a "V" shaped section of land in front of the New Gaol, at the intersection of St. Anne Street, South and St. Anne Street, North. (26)

The grant was made in the same year (1808). On the site thus granted (3600 square feet) nothing was to be built but the church. The property was to be held by a board of trustees at the head of which was the minister. This board had the right to elect successors to deceased or absent members. The elected trustees, however, before he could hold office, had to be accepted by the governor. Regulations were also laid down regarding the minister. It was required that he should belong to the Kirk, and his appointment to the church had to be ratified by the governor.(27)

In 1809 a subscription list was opened. By February 26th, the congregation had raised £1547, and immediately proceeded to erect the building. (28) It was completed and dedicated in 1810. (29)



22. Spark to Brock, Oct. 6, 1807,  
Ibid., p. 5
23. Brock to Spark, Nov. 3, 1807,  
Ibid., p. 7.
24. Petition of St. Andrew's Presbyterian Church, May 27, 1808,  
Ibid., p. 8.
25. Craig to St. Andrew's Church, June 14, 1808,  
Ibid., p. 9.
26. Minutes of Meeting of St. Andrew's Church,  
Ibid., p. 10.
27. Grant of Land to the Scotch Church, Quebec, Nov. 30, 1808,  
P.A.C., Land Papers.
28. Minutes of Meeting,  
Miscel. Records, St. Andrew's Church, Feb. 26, 1809, p. 18.
29. A tablet on the northeast wall states that:  
"The congregation of the Church of Scotland, which had worshipped in Quebec since 1759, petitioned His Majesty King George III, in 1802, for the land on which this Church stands. It was erected and dedicated in 1810."

In Montreal, nothing of importance was done in connection with the Presbyterian church building except a few repairs. While the members of Christ's Church were worshipping in the building they bore half of all such expenses.(30)

No other buildings appear to have been erected, in Lower Canada, by the Kirk, during this period.

30. Minute Book, Temporal Committee, St. Gabriel Strt. Church,  
Sept. 24, 1809, p. 152.

Chap. III THE FIRST ATTEMPTS AT EPISCOPALIAN CONTROL OF  
POPULAR EDUCATION.

The number of teachers receiving aid from the Lower Canada Legislature gradually increased after 1805. By 1811 there were thirteen teachers in the Province, each receiving grants of from £25 to £100 per annum.(1) By the next year the number of subsidized teachers had increased to twenty.(2)

The year 1814 saw the first real attempt, since the passing of the Act. 41 Geo.III c. 17, (1801) to establish a Provincial system of education. On January 15th, a resolution was introduced to the Legislative Assembly, to the effect that the House should consider the condition of the country schools.(3) In the discussion on the subject it seems to have been felt generally, that the provision made in 1801 was not satisfactory. A select committee to investigate the condition of education in the Province was appointed.(4) This committee, some time/ later introduced a bill providing for education in the country districts. The bill was passed and sent up to the Legislative Council.(5) After awaiting a reply for two weeks, the Assembly appointed a committee to search the Journals of the Council to ascertain the fate of the bill. It was discovered that the bill had been set aside until May 8th. (6) This is the last that was heard of it.

The next year (1815), the Select Committee on Education reported that the Royal Institution for the Advancement of Learning was not satisfactorily fulfilling the position for which it had been created. Few pupils attended its schools and the

1. Jour., H. of A., 1811, Appendix A, No. 18.

2. Ibid., 1812, Appendix A, No. 18.

3. Ibid., Jan. 15, 1814, p. 40.

4. Ibid., Jan. 18, 1814, p. 52.

5. Ibid., Feb. 1, 1814, p. 238.

6. Ibid., Feb. 8, 1814, p. 256.

teachers were not particularly good. The committee recommended that it would be better to leave matters of education in the hands of the cure' and principal inhabitants of each parish. One might imagine from the report that the schools of the Institution were a little too Protestant.(7)

In 1816, the number of teachers in Lower Canada was still increasing. There were thirty teachers receiving aid from the Provincial Legislature. (8) On June 7th of this year, Bathurst informed Sherbrooke, the Governor, that three more teachers were coming out to the Province. They were to take charge of the three Royal Grammar Schools. The Rev. John Leeds, shortly afterwards rector of Christ Church, Montreal, was appointed to the Quebec School. Robert Burrage, later master of the Royal Grammar School at Quebec, was appointed to Montreal. The third teacher, Rev. John Wilson, was sent to Kingston, U. C. (9)

On February 4, 1818, another bill for the advancement of education in the country parishes, was introduced to the Assembly. This bill passed both houses, but was reserved for His Majesty's pleasure.(10) The same thing happened in the following year.(11) In this year(1819), the Assembly also requested the governor to give it information concerning the schools of the Royal Foundation.(12) The governor promised to comply with this request at his earliest convenience.(13)

During the period 1805-1819, the question of a university assumed importance. Ever since 1790 there had been a movement in favour of establishing a university in the Province.(14) Nothing was attempted, however, until 1811, when the Hon. James McGill died, leaving the Burnside Estate and £10,000 as an endowment for a university. The Royal Institution for the

7. Ibid., Mar. 22, 1815, p. 606.
8. Ibid., 1816, Appendix D, No. 20.
9. Bathurst to Sherbrooke, June 7, 1816,  
P.A.C., G 8, p. 83.  
These men were to be paid from the revenues of the  
Jesuit Estates.
10. Jour., H. of A., April 1, 1819, p. 222.
11. Ibid., April 24, 1819, p. 267.
12. Ibid., Mar. 26, 1819, p. 183.
13. Ibid., Mar. 30, 1819, p. 190.
14. Dorchester to Grenville, Nov. 10, 1790,  
P.A.C., Q 49, p. 27.

Advancement of Learning was to act as the board of governors.(15)

In 1814, largely influenced by this bequest, the Legislative Council recommended to Prevost, that a corporation be formed to control education.(16) No action was taken until 1815. On December 30th of that year, Bathurst wrote Drummond, Prevost's successor, announcing the establishment of a university. He informed Drummond that the Prince Regent, because of Canada's loyalty in the last war (1812-1814), was contemplating the endowment of a university in the Province. Bathurst wished Drummond to consult the trustees of the McGill estate with regard to this. He requested Drummond to choose some good land on which to erect university buildings, and he enquired as to the value of the Jesuit Estates available for the endowment of the university.(17)

On March 4, 1816, Bathurst wrote Drummond again. He informed Drummond that he had seen McGill's will. There was no need to buy any land, as the Burnside Estate would be large enough. The one thing necessary was the formation of the Royal Institution according to the requirements of McGill's will, and the Act 41 Geo.III c. 17. The suggested members of the governing board of the Institution were: the Lieutenant-Governor, the Bishop of Quebec, the Chief Justices of Montreal and Quebec and the Superintendent of the Roman Church in the Province.(18) The last named declined to serve.

On April 9th following, Bathurst informed Drummond that the governor's name was not to be included on the board of trustees of the Institution. Instead, four other names were to be added. Among these names was that of the Rev. Alexander Spark, minister of St. Andrew's Presbyterian Church, Quebec.(19)



15. MacMillan, Cyrus, McGill and Its Story, 1821-1921,  
Toronto, 1921, Appendix No. 1.

16. Legislative Council to Prevost, Mar. 23, 1814,  
P.A.C., Q 128-2, p. 367.

17. Bathurst to Drummond, Dec. 30, 1815,  
P.A.C., G 7, p. 120.

18. Bathurst to Drummond, Mar. 4, 1816,  
P.A.C., G 8, p. 23.

19. Bathurst to Drummond, April 9, 1816,  
Ibid., p. 39.

Bishop Mountain, at this time, refused to be one of the governors unless his name was placed at the head of the list. Prior to this the names of the Chief Justices of Montreal and Quebec had occupied that position.(20) This was changed to suit the bishop and in December of 1817 the board was named. It was composed of the following members: the Governor of the Canadas, the Lieutenant-Governor of Upper Canada, the Bishop of Quebec (Church of England), Chief Justice Sewell, Chief Justice Monk, the Chief Justice of Upper Canada, the speakers of the Legislative Council and Assembly, and three members of the Executive Council. (21) It is well to note, that on this final determination of the members of the governing board, Mr. Spark's name was omitted.

Concerning the Institution, the Hon, John Neilson made the following statement to the Imperial Parliament 's Select Committee on the Civil Government of the Canadas.(1828):

"There was an Act passed in 1801 for the establishment of schools; they were to be endowed by the King as schools of royal foundation, and they were to be under the management of a corporation to be named by the Governor; that corporation was not named until 1817, and it happened to consist mostly of those of one religion alone; the Bishop of the Church of England and the Clergy of the Church of England were at the head of the Corporation, and the majority of the members were of the Church of England, and that tended to confirm the suspicions the people had entertained with respect to proselytism." (22)

Thus, there seems to have been an attempt to place all Protestant education under the influence of the Church of England.

20. Wilson to Bathurst, June 18, 1816,  
P.A.C., Q 136, p. 325.

Sherbrooke to Bathurst, Oct. 23, 1816,  
P.A.C., Q 137, p. 199.

21. Letters Patent for the Appointment of the Trustees  
of the Royal Institution for the Advancement of  
Learning, Commissions and Letters Patent, Lower Canada,  
Secretary of State Department, Ottawa, vol. v, fol. 237.

The members appointed from Upper Canada were only  
appointed temporarily.

22. Report of the Canada Committee, Imperial Paper 569, p. 121.

Chap. IV. THE RELATIVE LEGAL POSITION OF THE TWO CHURCHES.

From the time of Bishop Mountain's appointment as Bishop of Quebec in 1793, the legal establishment of the Church of England had been tacitly implied by the attitude of the British Government.(1) The first intimation that the Bishop was to be anything but a purely ecclesiastical official, had been given in 1794. In that year, by a mandamus dated June 30th, he was made an honorary member of the Executive Council of Lower Canada.(2) In the same year he also became a member of the Legislative Council of the Province(3) As a member of these two councils he was called upon frequently to act as a judge in the Court of Appeals.(4) In fact the Bishop seems to have taken too great an interest in secular affairs; for in 1814 we find Prevost complaining that the Bishop was devoting more time to secular than to ecclesiastical duties.(5)

But not only did the Bishop wish to have tacit recognition as the head of the "Established Church," he wished to have all the legal power which his position seemed to warrant. In 1807 he sent a memorial to the King requesting better control over his clergy. Hitherto, the Church of England in the Province had been an entirely voluntary body. Any authority which the Bishop had, rested upon the willingness of the clergy to obey. Thus the Church was not legally established. Because of this, he complained that the Church of England had no rights or privileges beyond those of the dissenters. He wished to have the legal power of a bishop of the Established Church, in England, conferred upon him.(6) This would have established, definitely, the Church of England in Lower Canada.

1. Infra.,p.17.
2. Mandamus for the Bishop of Quebec as an Executive Councillor,  
June 30,1794,P.A.C.,Q 75-1,p.114.
3. Portland to Dorchester,Aug.13,1794,  
P.A.C.,Q 68,p.132.
4. Roe,The Diocese of Quebec,p.6.
5. Prevost to Gordon,July 21,1814,  
P.A.C.,Q 128-1,p.75.
6. Memorial of the Bishop of Quebec to His Majesty the King,  
1807,P.A.C.,Q 106-2,p.410.

As no attention appears to have been paid to this memorial, the Bishop wrote Castlereagh on the same subject in the following year (1808). (7) His success was no greater this time. And for the next five years other thoughts appear to have occupied the Bishop's mind. But in 1813 efforts for Episcopalian establishment were made by the Archbishop of Canterbury. (8) His opinions, however, seem to have had as little weight as did those of Bishop Mountain. Thus, until 1819 the question of legal establishment of the Church of England dropped out of sight.

There was, however, a question of a somewhat ~~similar~~ nature which arose in 1815. The Church of England congregation in Montreal, appears to have experienced some difficulty in holding land and collecting money for pew rents. Thus, in order to facilitate the support of the church, the congregation desired incorporation. To obtain this a petition was forwarded to the Legislative Council. But the desired act of incorporation was not passed. As a result of this the congregation applied to the Crown to be given a Royal Charter. (9) This was done by Royal Letters Patent, dated August 12, 1818. (10)

The Assembly's refusal to pass the bill of incorporation for Christ's Church, was the first definite opposition to the sweeping claims of the exclusive establishment made by the Church of England. To counteract this opposition, Bishop Mountain, who was then in England, wrote Bathurst. He stated that the government, and everybody in the Province, had always recognized the Church as established, and he wanted its position made secure against all attacks. (11) Bathurst replied to the Bishop that he did not intend to alter the present position of the Church. He would not have the establishment promulgated any more explicitly than it was at that time. (12)

7. Bishop of Quebec to Castlereagh, May 21, 1808,  
P.A.C., Q 108, p.181.
8. Archbishop of Canterbury to (Castlereagh), Oct. 10, 1813,  
P.A.C., Q 126, p.100.
9. "An Account of Christ's Church....," p.529.  
Jour., H. of A., Jan. 21, 1818, p.43.
10. Letters Patent creating the Protestant Parish of Montreal,  
Commissions and Letters Patent, Lower Canada,  
Secretary of State Department, Ottawa, vol. v, fol. 222.
11. Bishop of Quebec to Bathurst, Mar. 1, 1819,  
P.A.C., Q 153-2, p.277
12. (Bathurst) to Bishop of Quebec, 1819,  
P.A.C., Q 153-2, p.285.

There the matter was left.

During this period another question was of considerable importance. It was the old trouble over the issuing of marriage licenses. On March 29, 1808, Bishop Mountain wrote Castlereagh asking for the power to issue marriage licenses and receive the fees.(13) Castlereagh submitted the request to Sir John Nichols, one of the Law Officers of the Crown. Nichols' opinion was, that the Bishop had no authority to grant licenses as this authority was vested in the governor alone.(14) The Bishop did not refer to the matter again until 1819.

In the spring of that year in a letter to Bathurst he contended that the Bishop should be the only person in the Province to issue marriage licenses. (15) Bathurst promised to do his utmost to obtain the desired power for the Bishop. But he was afraid that it would be awkward for the people in the upper province.(16) The Bishop solved that difficulty, by proposing to appoint a surrogate to issue marriage licenses in Upper Canada.(17) Bathurst, however, apparently found it impossible to grant the Bishop the necessary powers; for we find the Bishop in a letter, dated January 11, 1820, lamenting Bathurst's inability to acquiesce in his proposal. According to the Bishop, all Protestants wished him to have sole control of issuing licenses. (18) Of the truth of this statement no satisfactory proof is obtainable. In fact, the general desire of the people, and especially those of the Kirk seems to have been in the opposite direction. If the licenses were in the power of the Bishop, one of the most important ecclesiastical functions would be under control of the Church of England. All churches dissenting from the Church of England, therefore, would be placed in a subordinate position. This position no dissenter desired to occupy.



13. Bishop of Quebec to Castlereagh, Mar. 29, 1808,  
P.A.C., Q 108, p. 124,

14. Doughty and McArthur, Documents., p. 340.

Opinion of Sir John Nichols on the Powers of the Bishop  
of Quebec, April 23, 1808, P.A.C., Q 108, p. 12.

15. Bishop of Quebec to Bathurst, Mar. 1, 1819,  
P.A.C., Q 153-2, p. 279.

16. Bathurst to Bishop of Quebec, 1819,  
Ibid., p. 288.

17. Bishop of Quebec to Bathurst, April 29, 1819,  
Ibid., p. 293.

18. Bishop of Quebec to Bathurst, Jan. 11, 1820,  
P.A.C., Q 156-2, p. 406.

Part IV. 1819-1828

Chap. I. PROTESTANT EDUCATION AND THE CHURCH OF ENGLAND.

By the year 1820 the first Church of England school had been founded in Quebec. It was the National and Free School established by the Society for the Promotion of Christian Knowledge. The object of this society was to promote the knowledge of Christianity, the Bible, the Church of England Prayer Book and the Society's tracts.(1) Besides the school in Quebec, the Society had established a school at the Military Settlement at Richmond, and was in charge of a school of the Royal Foundation at Philippsburg, Seigneurie of St. Armand.(2) Towards the erection of the buildings of these schools, the Society for the Propagation of the Gospel allowed \$100 per annum.(3) The schools, as will be seen later were definitely Episcopalian in character. For instance, we find in 1820, that part of the public examination of the school at Quebec, was composed of recitation from the Church Catechism.(4)

In the same year(1820), the Legislative Assembly reiterated its request, made in the previous year to the governor, for all documents concerning the Royal Institution for the Advancement of Learning.(5) This time the documents were received, and the House turned them over to a Select committee on education.(6) Nothing was done about education, however, until the next session, when a bill for its encouragement was brought before the House. But it was resolved not to proceed with the bill, until the governor's approval had been secured.(7) Here the matter was left.

During the session of 1822-23, a petition from the Society for Education in the District of Quebec was presented to the House. Financial aid was requested. In reply to the petition the

1. Annual Report of the Quebec Diocesan Society for the Promotion of Christian Knowledge, Quebec, 1820, p.9.
2. Ibid., p.8.
3. Ibid., p.9.
4. Ibid., p.6.
5. Jour., H. of A., Dec.27, 1820, p.62.
6. Ibid., Jan.10, 1821, p.83.
7. Ibid., 1822, p.47.

Assembly granted £200.(8) The same amount was granted each year until 1829.

By 1824 the building of the National School at Quebec had been completed at a cost of £1167/11/9<sup>4</sup>. (9) The Church of England parish was convened, and regulations were made for the government of the school. (10) In these regulations we see the school's Episcopalian character. Sunday Schools were also established in connection with the National School. The former were not only for the propagation of the Gospel,

"but for the promoting of an increased attachment to the doctrines and ordinances of the Church of England; and the Inhabitants, more especially of the Eastern Townships of the Province having arrived (as there is hope that they all ultimately will) at some settled notions on the subject of Religion, may gradually be brought within the fold of the establishment and the Church of God be built in all its beauty, in the desert places of the wilderness."(11)

In 1825 the Legislative Assembly voted £1800 to be paid to the schoolmasters teaching in the province.(12) All accounts had to be submitted to the Assembly. In February of 1826, a committee was appointed to deal with certain petitions for aid which had been received from the Educational Society of Quebec and the British and Canadian National Schools.(13) The National Schools at Quebec and Montreal also applied for aid. On March 7th the committee of the whole House on education resolved that grants be given to seven different educational institutions. Amongst those named was the National School at Quebec. (14)

The Assembly then requested information concerning the National School. They were informed that the salary of £100 paid to the school master, was received from public funds. The school building was erected entirely by private subscription, except for £200 received from the revenues of the Jesuit Estates. Religious

8. Ibid., Feb. 4, 1823, p. 102.

9. Annual Report, Quebec Diocesan S.P.C.K., Quebec. 1825, p. 10.

10. Ibid., p. 11.

11. Ibid., p. 15.

12. Lower Canada, 6 Geo. IV, c. 13.

13. Jour., H. of A., Feb. 13, 1826, p. 97.

instruction was given children of members of the Church of England only. But the Assembly's committee on education reported that all children, except those whose parents belonged to the Churches of Rome or Scotland, were required to learn the catechism and attend the Church of England service. (15) The reports of the Society also would lead one to think that the National Schools were looked upon as valuable assets in propogating the doctrines of the Church of England. In the report of 1825-26, the Society of the Diocese stresses the fact that only members of the Church of England were appointed as governors. (16)

In 1827, grants amounting to close on £10,000 were made for education by the Legislative Assembly. Of this amount, the Royal Institution for the Advancement of Learning received about £2000, while individual schools received smaller grants. (17)

Up to this time the Royal Institution had accomplished little. This was largely due to its strong Church of England bias. The Church of England clergyman in the School district, was always a visitor of the Institution's school and the other visitors were also expected to be Episcopalians. (18) This naturally caused mistrust of the schools among the non-Episcopalian denominations, and especially among the Roman Catholics.

However, on February 13, 1827, Dalhousie the governor, sent down a message to the assembly. It was to the effect that he had succeeded in persuading the Roman Catholic clergy to come into the Institution, if two committees, one Protestant and one Roman Catholic, were appointed. He, therefore, asked the Assembly to vote £3000 for the support of the Institution. The Assembly paid no attention to this request and the matter was dropped. (19) We find,

15. Ibid., Mar. 17, 1826, p. 300.

16. Annual Report, Quebec Diocesan S.P.C.K., Quebec, 1826, p. 27.

17. Jour., H. of A., Feb. 27, 1827, p. 214.

18. Ibid., Feb. 13, 1827, p. 116.

19. Christie, op. cit., vol. iii, Quebec, 1850, p. 128, note.

however, that by 1828 provision was being made for seventy-five schools under the Royal Institution. (20)



20. Harkness to Lee, Mar. 1, 1828,  
Miscel. Records, St. Andrew's Church, Quebec, p. 144.

Chap. II. THE QUESTION OF THE KIRK'S LEGAL STATUS.

As mentioned above, the creation of the Diocese of Quebec, and the calling of the Bishop of Quebec to the Executive and Legislative Councils of Lower Canada, (1) made it clear that the British Government considered the Church of England the established church of the Province. A further admission of Episcopalian establishment was made in 1821 by the creation of the Archdeaconeries of Quebec and York, by Royal Letters Patent.(2) This attitude of the Government appears to have been supported strongly by the Church in England. One pamphleteer, in 1821, stated that there was no doubt, that the Church of England was the only established church of the colonies. In his opinion the guarantee of the loyalty of the people was the secure establishment of the Church of England. The members of the Kirk were not to be trusted.(3)

This was the attitude taken the following year in the framing of the Union Act. Because of it, Dr. Harkness, the successor of Mr. Spark in St. Andrew's Church, Quebec, appealed to Dalhousie. He pointed out that in the proposed act, the Churches of England and Rome were practically established, while the Kirk was not mentioned. Could it not be possible for the Church of Scotland to be placed on an equal footing with the Church of England?(4) With this letter went a petition which, among other things, asked for the legal establishment of the Kirk in the Colonies.(5) As the Kirk was an elective body it could not be established in the same manner as the Church of England i. e. by the appointment of bishops and clergy. But establishment could be obtained by the incorporation of the parishes, as had been done in Scotland.(6) However, owing to opposition, the Union Bill was not passed, and so the matter was dropped.

1. Supra.,p.68.
2. Bathurst to Dalhousie,June 16,1821,  
P.A.C.,G 11;p.114.
3. Letters to the Earl of Liverpool on the State of the  
Colonies by a Member of Parliament,Letter No.1,London,  
1821,pp.42-46.
4. Harkness to Dalhousie,Dec.3,1822,  
P.A.C.,Q 166-1,p.124.
5. Memorial of the Church of Scotland to the King,1823,  
P.A.C.,Q 167-2,p.521.
6. An anonymous memorandum,(1823)  
Ibid.,p.529.

In the year 1826, were published two rather interesting pamphlets on the relative positions of the two churches. The first was A Letter to the Right Hon. Earl of Liverpool, K. C., Relating to the Rights of the Church of Scotland in British North America from a Protestant of the Church of Scotland. In this pamphlet the writer went back to the Act of Union (1706). He pointed out that both churches were called "Protestant". Thus 31 Geo. III c. 31 when mentioning "Protestant Clergy" referred to both churches. He also stated that Lord Dundas probably wrote sections 36 and 37. He, being a member of the Kirk, would not have allowed his own church to be put aside in favour of the Church of England. Thus, the writer demanded the Kirk's parallel establishment with that Church.(7)

This pamphlet was replied to by a "Protestant of the Church of England." He asserted that in England the word "clergy" meant the ministers of the Established Church and as it was the laws of England under which they were living, "clergy" could refer to only those of the Church of England. Moreover the word clergy is defined by section 38 of the Canada Act. (8) The Church of Scotland according to the Episcopalians, was only a dissenting church in the colonies .

But "the Church of England herself is the established Church of England and the Colonies by special acts of Imperial Parliament, by Colonial Acts which have received the Royal Assent and by endowment of lands for the support of her clergy."(9)

This last opinion seems to have been much the same as that given at this time by the counsel for the Colonial Department, (10) and the Law Officers of the Crown. The latter thought that the Kirk "can only be considered in the same light as other protestant dissenters." (11)

7. This was anonymous pamphlet printed in Kingston.
8. An Apology for the Church of England in the Canadas, in Answer to a Letter to the Earl of Liverpool relating to the Rights of the Church of Scotland by a Protestant of the Church of Scotland, by a Protestant of the Church of England, Kingston, 1826.
9. The Exclusive Right of the Church of England to the Clergy Reserves, Defended, Kingston, 1826, pp. 16 & 21.
10. Stephen to Horton, Dec. 7, 1826,  
P.A.C., Q 342, p. 109.
11. Opinion of the Law Officers of the Crown on the status of the Church of Scotland in New South Wales, April 14, 1827, P.A.C., Q 180, p. 91.

This policy of treating the members of the Church of England as those of the established church, had also been adopted by the governors. In 1828 we find in the Legislative Council, eighteen members of the Church of England and one member of the Kirk. In the Executive Council there were eight Episcopalians and no members of the Kirk. Moreover, while twenty of the officers of the government were members of the Church of England, only one belonged to the Church of Scotland.(12)

In 1827, Bishop Stewart, who had succeeded Bishop Mountain in 1825, issued A Letter to the Clergy and Congregations of the Church of England in the Diocese of Quebec, Respecting the Clergy Reserves. This letter contains one of the most temperate addresses of the period on the rights of the Church of England. He declared that all secure governments must have an ecclesiastical establishment. In England and the colonies, the establishment was that of the Church of England. He asked, therefore, that its rights as an establishment should be recognized.(13)

In reply to this letter, the clergy of the Kirk published A Pastoral Letter in the following year. They denied the need of ecclesiastical establishments. But if a church was to be established in the colonies, the Kirk had a right to equal establishment with the Church of England, and this was what the Kirk desired. For the time being, this "letter" brought the matter to a close.(14)

During this period (1819-1828) the question of incorporation again arose. Congregations of the Church of England in different parts of the Province, had found that, Christ Church, Montreal, they needed the legal status of corporations. As it did not seem possible to obtain the fulfillment of their wishes through

12. Composition of the Government of Lower Canada,  
Quebec Gazette, Jan. 17, 1828, p. 2.

13. Printed at Quebec, 1827.

14. Printed at Montreal, 1828.

the Provincial Legislature, the congregations were incorporated as parishes by Royal Letters Patent. Between September 8, 1821 and September 30, 1823 thirteen patents of incorporation were issued. Land could be held in mortmain, and legal action could be taken in the courts of the land. These were the two principal advantages which the congregations desired.(15)

Meanwhile, in Montreal, the Scotch Church had discovered that the trusteeship of the church passed to the heirs of the trustees, and not to their elected successors. If the trusteeship was to be transferred to a newly elected trustee, either a legal conveyance had to be obtained or the church had to be legally incorporated. (16) Application was therefore made to the governor in 1827 for incorporation. But on the advice of the Attorney-General it was refused.(17)

Even before the Montreal congregation had discovered its disabilities through lack of legal status, the Kirk congregation in Quebec had been having trouble over the same matter. Since the granting of the first plot of land to the congregation in 1808, it had always been necessary to receive the governor's assent to the election of a new trustee for the church. The trustee was elected by the remaining trustees, and then presented to the governor for his approval. The call of a minister had to be approved of in the same manner.(18)

In 1812 a member of the Kirk wished to donate a piece of ground to St. Andrew's Church. The ground was in Port Joli, and was to be used as a Presbyterian burial ground. The donor applied for lettres d'amortissement, to enable him to put the land in mortmain for the church.(19) The Executive Council stated, however, that the



15. The Letters Patent are contained in:  
Commissions and Letters Patent, Lower Canada,  
Secretary of State Department, Ottawa, vols. v, vi, vii, xiv.
16. Opinion of Mr. J. C. Grant, Nov. 22, 1822,  
P.A.C., Q 167-2, pp. 546, 548.
17. Campbell, Robert, Hist. of St. Gabriel Strt. Church, p. 289
18. Supra., p. 62.
19. Affidavit of the Rev. James Harkness, Sept. 8, 1828,  
P.A.C., Q 182-2, p. 445.

Bishop of Quebec was the only ecclesiastical corporation who could hold land in mortmain.(20) It was advised that the land should be given to him. This proposal was quickly rejected, and it was not until 1822 that possession of the land was obtained by St. Andrew's Church. The transfer was eventually accomplished by the donor's giving the land to Dalhousie, who in turn, presented it to the Kirk as a royal grant.(21)

Because of all this trouble, application was made for incorporation. The Attorney General advised the Governor that he would have to receive instructions from England, before he could accede to the wishes of the congregation.(22)

In the Colonial Department, there seems to have been a suspicion that the question of land conveyance was a subterfuge to obtain incorporation for other purposes. Secretary Murray wrote Governor Kempt, inquiring as to what was the real reason for the desire for incorporation.(23) Stephen, the counsel for the Department, expressed the opinion that incorporation was desired to aid in the struggle against the claims of the Church of England. He believed, however, that the two churches had equal rights in the colonies. The colonial legislatures could choose one or the other as the established church. But as both were still on an equal legal footing, he advised the granting of the charter.(24)

Stuart, Attorney-General of Lower Canada, was against granting incorporation. He maintained that the land needed only to be granted in fee simple. If this were done no incorporation would be required. He also stated it to be his belief that "His Majesty's government" was the only body legally capable of granting incorporation.(25) In a letter to Dalhousie, in 1830,

20. Extract from the Report of the Committee of the Whole Council, Mar. 21, 1812, Ibid., p. 448.
21. Affidavit of Mr. Harkness, Ibid., p. 446.
22. Trustees of St. Andrew's Church to Murray, Sept. 6, 1828, Ibid., p. 424.
23. Murray to Kempt, Mar. 11, 1828, P.A.C., G 18, p. 107.
24. Stephen to Hay, Jan. 10, 1829, P.A.C., Q 191-1, p. 85.
25. Stuart to Cochran, June 23, 1828, P.A.C., Q 182-2, p. 441.

he stated that if incorporation were granted, it would be a precedent which might cause trouble.(26)

At last, on February 5, 1830, a bill for the incorporation of St. Andrew's Church was introduced to the Legislative Assembly.(27) It was passed by both houses but reserved for His Majesty's pleasure. On January 31, 1831 the bill was assented to, and on April 29th the assent was signified in Lower Canada by Proclamation. (28) The bill provided for the election of trustees and the holding in mortmain of real estate, not greater than 800 in value. This was the first incorporation of a Kirk congregation in Lower Canada. It was one step on the way to legal equality with the Church of England.

During this period also, the doubts regarding the Kirk's rights to perform civil ceremonies were removed. Prior to 1821, there had been a number of marriages celebrated in the district of Gaspé by Kirk missionaries. As these men did not have regular charges nor authenticated registers, the marriages were not legal. One of the parties being married, had to belong to the officiating clergyman's church.(29) To remove any disabilities suffered by the couples thus married, an act (1 Geo. IV. c. 19) was passed in 1821. All marriages performed by Church of Scotland or dissenting ministers in Gaspé, were declared valid. This act, however, did not ratify marriages forbidden by law, or those performed subsequent to the passing of the act.(30)

In December of the following year, Dr. Harkness of Quebec raised something of a storm by a letter which he sent to Dalhousie. He complained of the disabilities of the ministers of the Kirk in regard to marriage. A clergyman of the Church of England could marry any Protestant couple, while the minister of the Kirk

26. Stuart to Dalhousie, Mar. 26, 1830,  
P.A.C., Q 194-2, p. 238.

27. Jour., H. of A., Feb. 5, 1830, p. 105.

28. Lower Canada, 10 & 11 Geo. IV, c. 57.

29. Barclay to Dalhousie, Oct. 10, 1825,  
P.A.C., Q 172-2, p. 281.

30. Lower Canada, 1 Geo. IV, c. 19.

could not perform a marriage unless one of the parties belonged to his church. He requested that the Kirk should be granted full equality with the Church of England in this matter. To help support his case, he explained that there was five Episcopalian clergy and one Presbyterian minister in Quebec City. Yet the one Presbyterian performed almost as many civil acts as did the five Episcopalians.

To support his statements, he gave the total number of all civil acts performed by both denominations between 1810 and 1821. They are as follows:

By the Church of England		By the Church of Scotland	
Baptisms	1099		966
Marriages	340		555
Burials	<u>1626</u>		<u>698 (31)</u>
	3065		2419

This letter was replied to by the Rev. James Stewart, who was then in England. He pointed out that of the five clergymen in Quebec, only one really officiated there. Three of the clergy preached outside the city or to the garrison. The fourth was the bishop who did little work in the city. Thus, there was left only one clergyman, the rector of the parish, to do the work in Quebec.(32)

Two years later, on March 1, 1825, a bill was sent down to the Assembly by the Legislative Council. It was for the purpose of explaining the Marriage Act of 1795 (35 Geo. III c. 4.) This declaratory act excluded all religious denominations from the rights of registration except the Churches of England, Scotland and Rome.(33) Immediately a strong protest was registered against this bill by the Wesleyan Methodists. The bill was sent to a special committee and that was the last heard of it. (34)

In the session of 1825-26 the Wesleyans petitioned the Assembly for the rights of registration. Against this a counter-petition

31. Harkness to Dalhousie, Dec. 3, 1822,  
P.A.C., Q 166-1, p. 126.

32. Stewart to Horton, June 23, 1823,  
P.A.C., Q 167-2, p. 573.

33. Jour., H. of A., Mar. 1, 1825, p. 255.

34. Ibid., Mar. 3, 1825, p. 267.

was presented to Dalhousie by the Clergy of the Church of England. They declared that all the work of performing and registering acts could be dealt with by the clergy of the Churches of England and Scotland. The protest, however, was in vain.(35) The bill passed and became law.(9 & 10 Geo. IV c. 76.)

On January 21, 1826, a petition was also presented by the dissenting Presbyterian congregation in Montreal requesting the rights of civil registration. (36) A bill providing for this was accordingly prepared and was passed by both houses.(37) It was reserved for the Royal Pleasure, and, owing to Bathurst's influence, was disallowed.(38)

Meanwhile, the Kirk had been making further efforts to obtain full rights of registration. (39) Apparently their efforts were successful, for, in the petition of the Clergy of the Church of England against the Wesleyan's memorial, we find the following statement:

"as it (the right of registration) respects the latter (the Kirk) your petitioners have seen with the most unfeigned satisfaction, a Bill prepared in the Legislative Council declaratory of the full and unquestionable legality of the acts of its ministers."(40)

The bill referred to, did not come down to the Legislative Assembly until February 3, 1827.(41) There it was amended slightly, and returned to the Council who passed it as amended.(42) On March 7th it received the Royal Assent.(43) Clause two of the act (7 Geo. IV. c. 2.) read as follows:

- II.
- II. "And whereas from the wording of the Act passed in the forty-fourth year of the Reign of George the Third, chapter eleven, intituled "An Act to confirm certain marriages therein mentioned," and another Act passed on the first year of the Reign of His present Majesty, chapter nineteen, intituled, "An Act to confirm certain marriages heretofore solemnized in the Inferior District of Gaspe," doubts might be entertained respecting the validity of Marriages, within this Province since



35. Petition of the Clergy of the Church of England to Dalhousie, Feb. 20, 1826, P.A.C., S 178, fol. 104.

36. Jour., H. of A., Jan. 21, 1826, p. 10.

37. Ibid., Feb. 18, 1826, p. 124.

38. Bathurst to Dalhousie, Sept. 9, 1826,  
P.A.C., G 15, p. 189.

Same to Same, April 2, 1827,  
P.A.C., G 16, pp. 66-67.

39. Barclay to Dalhousie, Oct. 10, 1825,  
P.A.C., Q 172-2, p. 281.

40. Supra., note 35.

41. Jour., H. of A., Feb. 3, 1827, p. 41.

42. Ibid., Feb. 24, 1827, p. 188.

43. Ibid., March 7, 1827, p. 317.

the passing of the said Acts, celebrated by the authority aforesaid that all Marriages which have heretofore been or shall be hereafter celebrated by Ministers or Clergymen of or in communion with the Church of Scotland, have been and shall be held to be legal and valid to all intents and purposes whatsoever, anything in the said Acts, or in any other Acts to the contrary notwithstanding."

This act finally set at rest all doubts concerning the full rights of the Kirk to perform civil acts, and keep registers duly authenticated by the Court of King's Bench. Thus was taken another step towards equal rights with the Church of England.

Chap. III. THE COMMENCEMENT OF THE KIRK'S STRUGGLE FOR A  
SHARE IN GOVERNMENT SUPPORT AND THE CLERGY RESERVES.

The year 1819, saw the Church of Scotland, in Lower Canada, take its first real step towards obtaining a share in the Clergy Reserves and Government grants of money. On May 17th of that year, a petition, dated March 30th, was forwarded to Bathurst by Maitland, Lieutenant-Governor of Upper Canada. The petition was from the Presbyterians of Niagara, U. C. It was stated in the petition, that during the war (1812-1814) their church had been burnt by the Americans. The congregation had erected a temporary place of worship, but owing to losses sustained during the recent conflict, they could not support a minister. They therefore, prayed the governor to grant them annually the sum of \$100. This money, they thought, might come from the Clergy Reserves, as it would be used to pay part of the stipend of a minister of the Church of Scotland.

In forwarding the petition, Maitland observed that the granting of the money to a Presbyterian congregation would form a precedent. It was, therefore, necessary to determine, first of all, the identity of the clergy for whom the Reserves were intended.(1)

The petition was submitted to the Law Officers of the Crown. Their opinion was that the Church of England was the only church which could have legally established and endowed rectories and parsonages. On the other hand, the Church of Scotland could be supported from the "rents and profits" of the lands. The support, however, could be accorded to no denomination dissenting from the Churches of England and Scotland.(2) This opinion appears to coincide with that of Dundas in 1793.(3) Of course the Crown might endow one rectory with all the Reserves in a township. If this were done,

1. Maitland to Bathurst, May 17, 1819,  
P.A.C., Q 235-1, p. 199.  
Petition enclosed.

2. Opinion of the Law Officers of the Crown, Nov. 15, 1819,  
P.A.C., Q 326, p. 43.

Infra., Appendix No. 5.

3. Supra., p. 30.

naturally nothing would be left for the support of the Kirk. The term "Protestant Clergy," according to the Law Officers, referred only to those protestant clergy recognized by law, i. e. those of the Churches of England and Scotland.

The opinion of the Law Officers was forwarded to Maitland, but, according to contemporary Presbyterians, was not made public until 1828. (4) Whether this is true or not, it is hard to say. The Bishop of Quebec and a number of the clergy knew about it in 1821. In this year also, there appeared a pamphlet entitled: Letters to the Earl of Liverpool on the State of the Colonies by a Member of Parliament. In it reference is made to a rumor from Downing Street that the Law Officers were in favour of the claims of the Kirk. This pamphlet received publicity in some of Lower Canada newspapers, (5) and so must have been known to a considerable number of people. Thus, though it may not have been announced officially, that the Law Officers thought the Kirk legally able to participate in the Reserves, it was doubtless known or surmised by many that this was their answer.

On June 15, 1821, Bishop Mountain wrote to Bathurst. He stated that the Church of England was thrown into a furore by the pronouncement of the Law Officers. If Bathurst knew all that the Church of England had done, and how the people were joining the Church, he would give nothing away which rightfully belonged to her. Moreover, for the last thirty years it had been understood that the Church of England possessed all the Reserves. (6)

To this letter Bathurst replied as follows:

"I have had the honour of receiving your lordship's letter of the 15th of June, stating the alarm which has been felt by the Church of England in Canada, in consequence of the opinion expressed by the Law Officers of the Crown, that the lands reserved for the Protestant Clergy are to a degree applicable to the support of the Ministers of the Church of Scotland, and expressing your convictions that if I



were aware of the State of the Church of England in the Province I should not be induced to deprive that Church of any part of that which is essential to her support.

In reply I have to assure your Lordship that in exercising the discretion which is by 31 Geo. III c. 31 vested in the Government as to the application of the reserved lands, it will always be the anxious wish of His Majesty's Gov't to promote the interests of the Church of England and to give every possible aid to its extension in the Province of Canada. But considering the large Immigrations which have taken place from Scotland of persons professing the doctrine of the Presbyterian Church as established in that country, I can never consider myself justified in depriving the Ministers of that Protestant Church of all share of the provision which is provided generally for the maintenance of Protestant Clergy, and which was intended to apply as well to the Etab'd Church of Scotland as to that of England.

I trust indeed, that your Lordship will agree with me in thinking that the real interests of the Church of England in Canada will not be less advanced by a due application of some part of the funds which are placed under its exclusive management to the Ministers of the Sister Protestant Church of Scotland, than by engrossing to itself the whole of what Parliament granted for the support of both." (7)

On November 16th, the Bishop again wrote Bathurst.

He stated that:

"in giving to the Presbyterians a share of the lands reserved for a Protestant Clergy, His Majesty's Government will go the length of declaring that the Church of England is not the Established Church of country and that there is no such thing, here as a constitution in Church and State."(8)

In the same letter the Bishop attempted to discredit the opinion of the Law Officers. He stated that one was a Presbyterian and the other a Socinian. (9) In regard to these accusations we find that Christopher Robinson, one of the law officers, was the son of an Anglican parson and was sent to Oxford to study divinity. But he later turned to law. Robert Gifford, another of the officers, may have been a Presbyterian for we find that he attended a dissenting school at Exeter. In 1818 he represented Eye, Suffolk, in the House of Commons, and on July 24, 1819, became Attorney-General. The third officer was John Singleton Copley, a graduate of Trinity College, Cambridge.(10)

7. Bathurst to Bishop of Quebec,n.d.,  
P.A.C.,Q 159-2,p.428.

8. Bishop of Quebec to Bathurst,Nov.16,1821,  
P.A.C.,Q 159-3,p.437.

9. Ibid.,p.433.

10. Lee,Sidney, Dictionary of National Biography ,London,1897,



Which of these was the Socinian it is impossible to say. It does not seem probable, however, that the officers had any strong bias against the Church of England.

In the following year, it was the Kirk's turn to be somewhat disturbed. In 1816 the Clergy Corporation had been created in Lower Canada for controlling the Reserves. Nobody, however, except one or two in the government and the Church of England, seems to have known of its formation. (II) If this is so, what then must have been the surprise of the members of the Kirk to find the following notice in the Quebec Gazette of June 18, 1820:

CLERGY RESERVES--- His Majesty having been graciously pleased to erect and constitute a Corporation, consisting of the Bishop of this Diocese and the Clergy of the Church of England holding benefices within this Province for the superintending, managing and conducting the Reserves made or to be made for the support of a Protestant Clergy within the Province, PUBLIC NOTICE is hereby given that all Leases of such Reserves will in future be granted by the said Corporation; and that application for the same are to be made either to the Secretary of the Corporation at Quebec, or to the Clergyman of the Church of England residing nearest to the lot to be applied for;-

Notice is also further given to those persons--holding Clergy Reserves under lease or occupying them without title, who are in arrear in the payment of rent for the lots respectively held by them, that the Ministers of the Church of England residing nearest to such lots are severally authorized on the part of the Corporation to receive arrears of Rent, or in cases where such arrears shall be large, to compound for them; such composition to be subject to the approbation of the Principal and Directors of the Corporation:-

And all persons, so in arrear, are called upon to make payment forthwith accordingly and to prevent, thereby, the necessity of further proceedings against them.

By order of the Corporation,

ANDREW M. COCHRAN, Sec'y.

Quebec, 13th June, 1820/

This notice made it known quite plainly that the Church of England laid claim to all the Clergy Reserves in Lower Canada. The Corporation, immediately upon publication of the notice, proceeded to collect rents. The returns, however, do not appear to have been very great. Between 1821 and 1828 the greatest amount

11. Supra.,p.54.

of net revenue was received in 1823 and amounted to £ 126/7/7. The greatest deficit of the Corporation was in 1826 and it amounted to £ 119/10/4½. (12)

Not only was the government prepared to support the Church of England by the Clergy Reserves, but grants of money were also made. Between May 1, 1820 and June 30, 1828, £ 52,754/18/11 were granted for clergy support in Lower Canada. Of that amount the Church of Scotland received £ 100, and the Secession Church at St. Andrew's, Argenteuille County, received the same. The Roman Catholic Church also received aid, but by far the greatest portion of the grants went to the Church of England. The Bishop, Archdeacon and Rector of Quebec alone, received about £ 2000 per annum. The annual grants ranged between £ 3,110 and £ 4,380. (13)

Partly as a result of the sudden appearance of the Clergy Corporation, petitions were sent, by members of the Kirk in Lower Canada, both to Bathurst and to the mother church. The petition to the General Assembly of the Kirk asked for recognition as a branch of the Church, and for aid in the efforts being made to obtain Government support for the Scottish ministers in Lower Canada. (14) The petition to Bathurst requested aid. No stipulations were made as to the source from which money should be granted. They left this matter to the discretion of His Majesty's Government. (15)

Bathurst appears to have been favourably disposed towards the wishes expressed by the Kirk. On November 6, 1821, he wrote to Dalhousie that he would like to support both churches. But owing to the fact that the Reserves gave little revenue at the moment, this was impossible. Moreover the Church of England had an earlier title to the revenue. He promised, however, to do his utmost for the Kirk, and asked to be informed of the approximate amount of money

12. Statement of Rent Received by the Clergy Corporation in Lower Canada, 1821-1832, P.A.C., Q 202-2, p.577.
  
  
  
  
  
  
  
  
  
  
13. Abstract of Sums paid to the Protestant Clergy and Roman Catholics in Lower Canada, P.A.C., Dalhousie Papers, vol.xxii, p.263.
  
  
  
  
  
  
  
  
  
  
14. Petition from the Presbyterians of Montreal, Quebec, Lochiel and Williamstown to the Church of Scotland, Miscel.Records, St.Andrew's Church, Quebec, p.61.
  
  
  
  
  
  
  
  
  
  
15. Church of Scotland in Canada to B. thurst, 1821, P.A.C., Q 159-2, p.342.  
  
Also in Miscel.Records, St.Andrew's Church, Quebec, p.58.

needed to support its ministers in Lower Canada. He also suggested that the Legislature of Lower Canada might give an annual grant to the Church of Scotland, until the revenues of the Reserves were available. If the time should come that the revenues of the Reserves could support both churches, they would be divided pro rata between the two bodies(16). Dalhousie forwarded this information to the petitioners.

In 1822 the question of the Union of Upper and Lower Canada was brought before the House of Commons in England. The move towards union failed. But before news of its failure had reached Canada, the members of the Church of Scotland forwarded petitions to England in the hopes that, in the Union Bill, provision might be made for the support of the clergy of the Kirk. The petitions stated that the Church of Scotland was larger than the Church of England in Lower Canada. It was also said that the Clergy Reserves, in the future, would be sufficient to provide for the support of both churches.(17)

To counteract the effect of these petitions, the Clergy Corporation of Lower Canada sent a memorial to the House of Commons, denying the accuracy of the statements made by the Kirk. It was stated that the people of the Province, were more favourably disposed to the Church of England than to the Kirk. Even the members of the Kirk preferred to attend the Services of the Church of England. In regard to the reserves, it was declared that their revenues would never exceed the needs of the Church of England.(18)

The Bishop of Quebec also took action. On February 20, 1823, he wrote to Bathurst concerning the Kirk petitions. He informed the secretary that he had circularized all the members of the Imperial Parliament, and hoped that nothing would be done about the petitions.(19) On the following day he wrote a second letter, in which were given

16. Bathurst to Dalhousie, Nov. 6, 1821,  
P.A.C., G 11, p. 217.

17. Memorial of the Members of the Church of Scotland to  
the King, 1823, P.A.C., Q 167-2, p. 525.

18. Memorial of the Clergy Corporation of Lower Canada  
to the House of Commons, Ibid., p. 510.

19. Bishop of Quebec to Bathurst, Feb. 20, 1823,  
Ibid., p. 474.

nine reasons against the Kirk's proposed participation in the Reserves. He stated also that "the Clergy of the Church of Scotland have too evidently imagined, that the appointment of a Governor-in-Chief of their own church and country, is to open a door to them to enter into competition with the Church of England." He informed Bathurst that the clergy of the Church of England, in Canada, numbered fifty-six. Those belonging to the Kirk numbered only eleven, "including additions made since the existence of a spirit of rivalry." (20)

It is only fair to point out at this time that the number of clergymen meant very little. This is especially true when one body of clergy was supported by the state, and the other by the voluntary offerings of a poor population. Even though the Episcopalian clergy greatly out-numbered those of the Kirk, it did not mean necessarily, that the Episcopalians were in the majority.

In a letter dated September 3, 1823, Bathurst replied to the petitions of the Kirk. He lamented that there were no funds available for the support of the Scottish clergy. Moreover, the Church of England had an equal right to the Reserves; and the Legislature of Lower Canada would grant nothing for the support of Protestant religious instruction. Thus, there was no possibility of granting the requested aid. (21)

In reply to the petition to the General Assembly of the Kirk, a list of seven questions was sent to the Presbyterians in the Canadas. Information was requested with regard to the population, the numbers of Kirk clergy, on the field and the number desired. (22) The reply which was sent to Dr. Mearns, the convenor of the committee appointed by the Assembly to deal with this matter, is

20. Bishop of Quebec to Bathurst, Feb. 20, 1823,  
Ibid., p. 477.

21. Bathurst to Dalhousie, Sept. 3, 1823,  
P.A.C., G 11, p. 226.

22. Queries address to the Presbyterian Clergy of Canada, 1823,  
P.A.C., Dalhousie Papers, vol. xxii, p. 264.



amazing for its evasiveness and general inaccuracy. The figures given as showing the numerical strength of the Kirk in the Canadas, include nearly all Protestant denominations outside the Church of England. It was stated that the Presbyterians numbered about 110,000 out of a total population of 150,000. (23)

As a result of the information thus obtained, the committee in Scotland communicated with Bathurst. It was admitted that some of the members of the Church of Scotland had joined the Church of England when they had no minister themselves. It was asserted, however, that more had attached themselves to the Methodists or Baptists. If aid could be obtained from the government, the Kirk would be able to retain these members, who would otherwise join fanatical sects. (24)

Apparently the matter of the Clergy Reserves was still worrying the Colonial Department. In January of 1824, we find Stephen, counsel for the Department, giving his opinion on the subject. He advised that His Majesty could keep all the land for the Church of England, or give part to the Church of Scotland. The question of which policy should be followed, would be finally settled only on the grounds of political expediency. (25)

The problem of the two churches' relations in the colonies was also submitted to various other prominent men in England. Viscount Melville was of the opinion that:

"it is quite necessary to resist the pretensions---of the clergy of the Church of Scotland that they are equally well entitled as the Church of England to have establishments in the colonies. The last East India charter afforded an inconvenient and ill-advised precedent in their favour, but even in that case it was chiefly the directors and not the government. I see no reason why the Presbyterians in the West Indies should not have their own chapels or meeting houses as well as those in London or the Episcopalians in Edinburgh, without public aid. There may be cases where the whole population of a district as in some parts of Canada, is Presbyterian and where it

23. Clergy of the Church of Scotland in Canada to Mearns,  
Sept.16,1823,Ibid.,p.265.

24. Committee of the General Assembly of the Church of  
Scotland to Bathurst,1824,P.A.C.,Q 169.p.194.

25. Stephen to Horton,Jan.9,1824,  
Ibid.,p.92.

may be allowed to assist them. This is done in the north of Ireland also, but those cases ought to be considered only as exceptions. I think therefore it would not be advisable to hold out hopes of parliamentary aid. H." (26)

George Canning, however, felt that the Kirk could not fairly be deprived of all aid. (27)

The Church of England felt at this time that the opinion of the Law Officers, given in 1819, must be reversed. Therefore, they submitted the whole question to John Patteson of the Temple Bar and his opinion was requested. According to him, the Kirk had no rights to a share in the Reserves. (28)

On February 2, 1824, the question of the Reserves was again brought forward in Lower Canada. As a result of a petition from St. Andrew's Church, Quebec, to the Legislative Council for aid, Dr. Harkness was examined by a committee of the House. He requested incorporation for the clergy of the Kirk and a just share of the Reserves. (29) The Assembly granted nothing itself, but sent an address to England advising that the clergy of the Kirk should receive a share of any provision made for the support of a Presbyterian clergy. It was also suggested that all Protestants clergy should receive government support. (30)

In opposition to this address, Bishop Mountain wrote Bathurst. He denied the Assembly's assertion that the Episcopalians were in the minority, and gave figures to prove his statements. If the Church of England received its rights, it would soon be the biggest denomination in the Province. According to the Bishop, the blame for the attitude of the Assembly should rest upon the shoulders of the Kirk. They had drawn up the address, and had persuaded a Roman Catholic member to move its adoption. (31)

26. Enclosed in: Bathurst to Melville, May 15, 1824,  
Bathurst Papers, Historical Manuscript Commission  
Publication, 1923, p. 569.
27. Ibid.
28. Waddilove, Rev. W. J. D., Canadian Church Robbery, Newcastle-  
on-Tyne, 1840, p. 7.
29. Jour., H. of A., Feb. 9, 1824, p. 218.
30. Address of the Legislative Assembly of Lower Canada,  
Mar. 4, 1824, P. A. C., Q 168-1, p. 119.
31. Bishop of Quebec to Bathurst, Mar. 11, 1824,  
P. A. C., Q 170-3, p. 484.

But not only did the Church of England wish to keep all the Reserves; grants of money were being asked for continually. On June 7, 1824, we find the Society for the Propagation of the Gospel requesting a grant of £5000 from the Government to support its work in the Canadas. (32) On July 21st an even larger amount was desired. It was to be apportioned for the support of the clergy on the basis of the distribution in the preceding year. This was as follows:

16 missionaries receiving	200	£ 3200
Master of the Royal Grammar School, Levis		100
Rev. J. J. Jackson, William Henry		215
Rev. J. Stewart, Visiting Missionary		300
		£ 3815

It was proposed that thirteen new missionaries should be sent out in the following year, and this would necessitate the granting of £2600 more. (33)

In the following year (1825) another effort to obtain state aid was made by the Kirk. A memorial was forwarded to Bathurst by the Committee of the General Assembly of the Kirk on Colonial Churches. In it, Bathurst was asked to grant between £50 and £100 per annum to all clergy of the Church of Scotland in the Canadas. To distribute the money, it was suggested that a board of clergy and laity of the Church should be appointed. (34)

In reply to this memorial Bathurst informed Dr. Mearns, chairman of the committee, that he would do his utmost to give aid to the Kirk. When a church building had been erected, and the congregation was ready to acknowledge the jurisdiction of the General Assembly of the Church of Scotland, a memorial was to be presented to the governor. The latter would then be authorized to help in supporting the clergymen from the Crown's available funds. The congregations, however, were to do all

32. S.P.G. to Bathurst, June 7, 1824,  
P.A.C., Q 169, p. 220.
  
33. Hamilton to Bathurst, July 21, 1824,  
Ibid., p. 237c.
  
34. Memorial of the General Assembly's Committee on  
Colonial Churches, 1825, P.A.C., Q 174-2, p. 328.

they could to support their own clergy. Instructions, to the same effect as the letter, were being forwarded to the governors.(35)

Bathurst's promise was communicated to the Rev. Henry Esson of Montreal, by Dr. Mearns. (36) As a result of this information, Dalhousie received, between November 12, 1825 and March 24, 1826, five petitions from Church of Scotland congregations. Another, from St. Andrew's Church, Montreal, followed on April 24, 1826. (37)

Dalhousie did not know what to do with these petitions. Therefore, he sent them to Bathurst asking him to grant aid to the Kirk. On the same day, Dalhousie also wrote Dr. Mearns informing him that he had received no instructions to grant money for the support of Kirk Ministers. He. continued:

"there is no fund in the Province from whence any such assistance to the stipends of Presbyterian Ministers can be given. I apprehend that there can not be any hope of obtaining it unless it be by an annual grant from Parliament for that specific purpose." (38)

It might be well to note, at this time, the formation of a society in Scotland for the purpose of sending ministers of the Kirk to the North American colonies. The society was organized in Glasgow in 1825 under the title of "The Society ( in connection with the Established Church of Scotland) for promoting the religious interests of Scottish settlers in British North America." The first patron was the Earl of Dalhousie and the first secretary, the Rev. Robert Burns of Paisley, later minister of Knox Church, Toronto, Canada West.

This society did much to obtain ministers for the colonists in British North America. Grants of money were given to bring men out to America, and aid was given in building churches and supporting ministers. Efforts were also made by the Society, to

35. (Bathurst) to Mearns, n.d.,  
Ibid., p.334.

36. Mearns to Esson, 1825,  
Miscel. Records, St. Andrew's Church, Quebec, p.85.

37. Dalhousie to Bathurst, Mar. 24, 1826,  
P.A.C., Q 176-1, p.50. Enclosed with this despatch were  
five memorials from Quebec, Montreal, Ste. Therese,  
Kingston and Lochiel.

Petition of St. Andrew's Church, Montreal, April 26, 1826,  
P.A.C., S 179, fol.150.

38. D(alhousie) to Mearns, Mar. 24, 1826,  
Ibid., fol.73.



obtain aid from the Imperial Government for the Kirk in the Canadas. The organization became, in British North America, the Kirk equivalent of the Society for the Propagation of the Gospel. (39)

In the spring of 1826, Dalhousie recommended that the government aid should be given to the clergy in the Canadas, through this society. (40) But Bathurst informed him that he could grant aid neither to the Society, nor to the churches whose petitions he had received. This inability to grant aid was due to lack of funds. (41) However, on October 6, 1826, a grant of £750 was made to the Scottish Presbyterian clergy in Upper Canada. (42) The clergy in Lower Canada received nothing.

Meanwhile the Church of England had also been bringing its needs to the notice of the Imperial Government. On July 15, 1825, at a meeting of the Society for the Propagation of the Gospel, it was resolved to memorialize Bathurst, asking him to erect and endow parishes in conformity with the Act. 31 Geo. III c 31. (43) The counsel for the Colonial Office advised the laying of this memorial and those of the Kirk before the Law Officers of the Crown, and the Solicitor and Attorney Generals of Scotland. (44) I can find no evidence as to whether this was done or not.

Then on September 7, 1825, Bathurst wrote Dalhousie asking for information concerning the founding of rectories. The request was made because of the memorial of the Society for the Propagation of the Gospel. (45) Dalhousie communicated with the Bishop of Quebec, and suggested that the limits of the parishes should coincide with the limits of the townships. He expressed a hope that the parishes would be established soon. (46) But at this point the matter seems to have been dropped.

39. Gregg, Hist. of Presbyterian Church, p. 278.
40. Dalhousie to Bathurst, Mar. 24, 1826,  
P.A.C., Q 176-1, p. 75.
41. Bathurst to Dalhousie, June 6, 1826,  
P.A.C., G 15, p. 99.
42. Gregg, op. cit., p. 422.
43. Abstract of S.P.G. minutes, July 15, 1825,  
P.A.C., Q 173-2, p. 229
44. Stephen to Horton, Aug. 11, 1825,  
P.A.C., Q 173-1, p. 103.
45. Bathurst to Dalhousie, Sept. 7, 1825,  
P.A.C., G 14, p. 109.
46. Dalhousie to the Bishop of Quebec, July 1, 1826,  
P.A.C., Dalhousie Papers, vol. 11.

In the following year, on March 20th, Bishop Stewart, who had succeeded Bishop Mountain, requested Bathurst to increase the salary of the Archdeacon of Quebec to ~~£~~500 per annum. (47) This was granted immediately, (48) and in 1827 £200 was given from the Jesuit Estates as an annual grant for the support of the incumbent of the Chapel of Ease at Quebec. (49) Chief Justice Sewell had erected the chapel at a cost of ~~£~~3500. His son was appointed as incumbent and aid from the government/ was requested both by Sewell and the bishop. The grant was to be made annually until the pew-rents were enough to pay a stipend of ~~£~~400 per annum. (50)

These sums of money were granted readily (51) at the same time that the Kirk was refused aid because of lack of funds. (52) Because of this, one can well understand the rather bitter attitude of the members of the Kirk towards the Government/ and the Church of England. One pamphleteer, writing in 1826, states that part of the money granted to the Church of England comes from the revenues of the British Empire. The members of the Church of Scotland, therefore, have to help support the Episcopalian clergy in the colonies. "Thus they are first deprived of their birth right patrimony, then taxed from their hard earnings to support the rich family by whom they have been deprived of it." (53)

In the year 1827, the question of the Clergy Reserves comes very much to the fore. As early as 1823 it had been suggested that part of the Reserves might be sold and the money invested. (54) The attitude of Bishop Mountain had not, at first, been very favourable towards the proposal. (55) But in 1827 Bishop Stewart agreed to the sale of part of the Reserves. (56) As a result, the Act 7 & 8 Geo. IV c. 62 was passed by the Imperial Parliament. By this act one quarter of the Reserves was to be sold at the rate

47. Bishop of Quebec to Horton, Mar. 20, 1826,  
P.A.C., Q 178-2, p. 459.
48. Bathurst to Dalhousie, March 23, 1826,  
P.A.C., G 15, p. 68.
49. Sewell to Horton, Nov. 10, 1826,  
Ibid., p. 297.
50. Bishop of Quebec to Dalhousie, June 4, 1826,  
P.A.C., Q 178-2, p. 468.
51. Bathurst to Dalhousie, April 10, 1827,  
P.A.C., G 16, p. 70.
52. Supra., p. 95.
53. A Letter Relating to the Rights of the Church  
of Scotland by a Protestant of the Church of Scotland,  
p. 17.
54. Wilmot to Dalhousie, March 19, 1823,  
P.A.C., G 11, p. 183.
55. Bishop of Quebec to \_\_\_\_\_ Sept. 23, 1823,  
P.A.C., Q 166-3, p. 638.
56. Bishop of Quebec to Dalhousie, March 31, 1827,  
P.A.C., Q 179-1, p. 116.

of not more than 100,000 acres per year. The proceeds of the sale were to be invested in 3% Consols. The Bishop, stipulated, however, that the government grants should be continued until the revenue of the money invested, should be enough to support all Episcopalian clergy. In fact he even attempted to borrow money from the government on the future proceeds of the Reserves.(57)

On August 5, 1827, Goderich, who had succeeded Bathurst as Secretary for the Colonies, wrote to Dalhousie and, among other, things, dealt with the question of Clergy support. He expressed a hope that the Legislature of Lower Canada might be persuaded to grant a permanent civil list. If this were done, the clergy of the Churches of England, Scotland and Rome could then be supported from the Casual and Territorial Revenues. The grants which Goderich lists in his despatch, are presumably the same as those being granted at that time. The list is as follows: (~~Exclusive~~ of grants from the Society for the Propagation of the Gospel.)

Lord Bishop of Quebec	£3000
Archdeacon of Quebec	650
Minister at Montreal	300
Evening Lecturer at Quebec	150
(Three Rivers	200
(William Henry	150
(Dunham	100
Ministers at Chatham	100
(Caldwell Manor	100
Evening Lecturer at Montreal	150
Minister at St. Armand	100
Verger at Quebec	30
Rent of Protestant Burial Ground	20/18/6.
Total (to the Church of England	£5050/18/6
To the Kirk in Quebec	£ 50
Do. in Montreal	50
Total to the Kirk	£ 100
To the Roman Catholic Bishop	1000
Grand total	£6,150/18/6. (58)

These expenditures, however, were not transferred to the Casual and Territorial Revenues. The Legislature failed to vote a permanent civil list, and these revenues were required to defray the expenses

57. Ibid.

58. Goderich to Dalhousie, Aug. 5, 1827,  
P.A.C., G 16, p. 123.

the expenses of the Civil Establishment.

On June 22, 1827, a letter and series of questions were sent to the Kirk in the Canadas by the Committee of the General Assembly of the Church of Scotland on Colonial Churches. These questions, much like those sent out in 1823, were for the purpose of obtaining information concerning the situation of the Kirk in the Canadas. (59)

To answer these questions properly and make a concerted move to obtain government support, the session of St. Gabriel Street Presbyterian Church, Montreal, resolved on November 1, 1827 that:

"a committee of this session should be named to correspond with other sessions in these Provinces for promoting the Interests of the Scotch Church and more especially for the purpose of obtaining answers to Dr. Lees printed Queries."

Rev. Messrs. Esson and Black, and Messrs. Portecus, Garden and Carswell were appointed to act as the committee. (60)

As a result of the committee's efforts, a joint meeting was held with a committee appointed by St. Andrew's Scotch Presbyterian Church of Montreal. By the co-operation of the two committees, a petition was drawn up to be signed by all Presbyterians in the Canadas. (61) To support this petition before the British Parliament it was decided to send an agent to England. Resolutions were also passed advocating the union of all Presbyterians in the Provinces into one body in connection with the Kirk.

The Province was, at this time, in a political ferment. A statement of grievances had been prepared by the anti-Dalhousie party, and agents had been appointed to present it to the Imperial Parliament. The Presbyterians decided that this

59. Campbell, Robert, Hist. of St. Gabriel Strt. Church, p. 410.

60. Session Minute Book, St. Gabriel Strt. Church, Nov. 1, 1827,  
p. 101.

61. Petition from the Presbyterians in the Canadas, Dec. 20, 1827,  
Report of the Canada Committee, Appendix No. 16.



would be an excellent time to put forward their claims. Dr. Lee's questions and the petitions were, therefore, immediately circulated all over the country. (62)

As soon as Bishop Stewart heard of the steps being taken by the members of the Church of Scotland he wrote Huskisson. He requested that the Church of England should be heard before Parliament in order to counterfact the statements of the Kirk. (63) Sh

Shortly afterwards, on January 30th, a meeting was held by the members of the Church of Scotland in the Canadas, at Cornwall, U. C. (64) It was the first united meeting of all the Church of Scotland representatives in Upper and Lower Canada, and was the first step taken towards the formation of a Kirk synod some four years later. The meeting had four ends in view: (1) the establishment of two national churches in the Canadas; (2) half the stipends of each minister of the Kirk to be paid by the government; (3) the Reserves to be divided pro rata between the Churches of England and Scotland; (4) government assistance for the erection of churches and the support of school teachers. (65)

To gain these ends, a petition was prepared for transmission to the General Assembly of the Kirk, asking for aid and support in the efforts being made to obtain equal rights with the Church of England. (66) Mr. J. C. Grant, a Montreal lawyer, was appointed agent to represent the Church of Scotland in the Canadas. He was instructed to obtain first, all the aid possible from the Kirk in Scotland. He was then to proceed to London, and there lay before Parliament the needs of the Church of Scotland in the Canadas. He was especially instructed to impress upon the House of Commons, the necessity of scrutinizing the statistics submitted by the Church of England. The answers to Dr. Lee's questions would be forwarded to him in London. (67) These last were to be used in contraverting

62. Campbell,op.cit.,pp.403-411. An accurate account of the whole movement is given in this work.

63. Bishop of Quebec to Huskisson,Jan.18,1828,  
P.A.C.,Q 186-2,p.464.

64. Minutes of the meeting at Cornwall,Jan.30,1828,  
Miscel.Records,St.Andrew's Church,p.89.

65. Harkness to \_\_\_\_\_,Mar.10,1828,  
Ibid.,p.123.

66. Campbell,op.cit.,p.408.

67. Instructions to Grant,Feb.1828,  
Miscel.Records,St.Andrew's Church,p.97.

the figures given in Dr. Strachan's "Ecclesiastical Chart" of the preceding year. To facilitate his movement Grant was given letters of introduction to Huskisson and others, by Dalhousie. (68)

Some of the delegates at the meeting were in favour of asking the other Presbyterian churches to unite with the Church of Scotland at this time. The attempt at union, however, was successfully opposed by Dr. Harkness of Quebec. He was against this movement because the Presbyterians would be accused of attempting union in order to obtain the Clergy Reserves. This he declared, would make the Presbyterians guilty of using the same tactics in which Dr. Strachan indulged. (69)

On February 22nd. Bishop Stewart wrote to Hamilton, secretary of the Society for the Propagation of the Gospel. In his letter, he stated that Grant was going to England with incorrect statements as to the Kirk's numerical strength in the Province. He accused the Church of Scotland of obtaining, for their petitions, the signatures of many people unconnected with the Kirk. Even Episcopalians had been inveigled into signing. He proposed to send an address to the Colonial Department, denying the accuracy of the Kirk's statements, and asking that the Church of England be allowed to defend itself. He was also planning to have petitions sent to the Ecclesiastical Board, Huskisson and the King. (70)

In a short time a petition was sent to the House of Commons by the Clergy of the Church of England. It was requested that the Church should be heard in its own defence. There was no objection to the giving of aid to the Kirk in the Canadas. But the aid must not come from the Reserves. It was stated that even if all the Presbyterians united they would be smaller than many other sects. (71) However, sweeping statements like these, unsupported by statistics, are not

68. Dalhousie to Customs Officials, Feb. 14, 1828,  
Ibid., p. 125.

Dalhousie to Huskisson, Feb. 14, 1828,  
P.A.C., Q 182-1, p. 59.

69. Minutes of the Meeting in Cornwall, Feb. 4, 1828,  
Miscel. Records, St. Andrew's Church, p. 91.

70. Bishop of Quebec to Hamilton, Feb. 22, 1828,  
P.A.C., Q 185-2, p. 521.

71. Petition of the Clergy of the Church of England to  
the House of Commons, n.d., Ibid., p. 541.

to be trusted implicitly. We find that in the same year, it was stated, by supporters of the Kirk, that the Church of England formed less than one tenth of the population and that the Presbyterians were the most numerous body.(72)

A long and diffuse petition was also sent by the clergy of the Diocese of Quebec. It covered all the arguments possible. Starting with the Act of Union of 1706, it ended by showing the legal right and moral and political expediency of granting all the Reserves to the Church of England. (73)

On May 2, 1828, Huskisson moved in the British House of Commons for a committee to investigate the question of the civil government of Lower Canada. This was a result of the representations of the three agents of the Legislative Assembly who had been sent to London. (74) To the committee appointed, was given the task of defining the relative positions of the two churches in the colonies.

72. Rose, I., "Reasons and Considerations in favour of the Claims of the Church of Scotland," May 1828, P.A.C., Canadian Miscellaneous Documents, vol. ix, p. 14.

73. Petition of the Bishop and Clergy of the Diocese of Quebec, 1828, P.A.C., Q 191-2, p. 331.

74. Jour., H. of C., 1828, vol. lxxxiii, p. 307.

Chap. IV. THE END OF GOVERNMENT SUBSIDIES FOR AID IN ERECTING  
CHURCH BUILDINGS.

Although the Cathedral of the Holy Trinity, Quebec, was completed in the first decade of the century, no bells were hung in the belfry until 1830. In 1824, Bishop Mountain had petitioned Dalhousie to request the British Government to present the Cathedral with a set of chimes.(1) But the British Government appears to have had no interest in doing so, for it was not until ten years later that the bells were hung. When at length they were obtained, the bells were paid for by private subscription. (2)

In 1821 the Church of England congregation of Quebec was erected as a parish, by Royal Letters Patent. There was, however, no parish church. It was provided, therefore,

"that the said Cathedral Church shall be used as parochial or parish church only until a parochial or parish church shall be built in the said parish of Quebec, for the use and behoof of our loving subjects professing the Doctrine and Discipline of the Church of England within the said Parish of Quebec and no longer."

The building is still used by the parish as there has been no parish church erected in the city. By the same Letters Patent, the rectory was endowed with twelve thousand, six hundred and ninetyfour square feet of land situated beside the Cathedral. Thus the second parish and rectory was created and endowed with land by the government. (3)

In 1824 the Bishop again brought forward the question of a See House. He advised the purchase of Marchmont for 5000. Repairs amounting to £2000 would also be required, thus bringing the total sum to £7000. (4) Dalhousie did not approve of the expenditure of such a large sum of money, (5) and as a result the Government ignored the Bishop's proposal.

1. Bishop of Quebec to Dalhousie, June 4, 1824,  
P.A.C., Q 172-1, p. 47.
2. Wurtele, "The English Cathedral of Quebec," p. 92.
3. Letters Patent fro the Erection of the Parish of Quebec,  
Sept. 8, 1821, Commissions and Letters Patent, Lower  
Canada, Secretary of State Department, Ottawa, vol. vi, fol. 338.
4. Bishop of Quebec to Dalhousie, June 17, 1824,  
P.A.C., Q 172-1, p. 31.
5. Dalhousie to Bathurst, Feb. 7, 1825,  
Ibid., p. 30.



In the same year, 1824, the Church of England congregation in Montreal applied to the British Government for aid. In the memorial which was sent, it is stated that the church building cost the congregation £2300, part of which was a loan of £400. The congregation could not even meet the interest on the loan, as they had had to augment the incumbent's stipend by £200. If the debt of £400 was paid by the Government, no more aid would be asked.(6) The British Government does not appear to have been interested in the plight of the church, and nothing was given.

In spite of this apparent carelessness towards the larger churches, Government aid was granted to other churches in the Province. In 1824 Dalhousie allowed £500 aid to the church at Hull, and from £100 to £300 to each of four other churches in the Province.(7) The next year, according to Archdeacon Roe, the government gave £1000 to the four most important churches in the Canadas, for their buildings.(8) He does not say whether any of these buildings were in Lower Canada.

Besides these grants, between Nov. 5, 1821 and September 30, 1823, eleven parishes were created in Lower Canada. Each parish was endowed with sufficient land on which to erect a church building. In some cases there was enough land granted on which to build a rectory. Thus before 1828 there had been created, in Lower Canada, thirteen parishes with their rectories.(9)

In this decade, the Kirk received much better treatment with regard to government grants for church buildings. This was probably due to the fact that Dalhousie was a member of the Kirk.

In the summer of 1820, a petition, signed by the trustees of St. Andrew's Church, Quebec was presented to Dalhousie.

6. Parish of Montreal to the House of Commons, May 18, 1824,  
Ibid., p. 44.
7. Bishop of Quebec to Bathurst, Mar. 11, 1824,  
P.A.C., Q 170-3, p. 486.
8. Roe, The Diocese of Quebec, p. 11.
9. Supra., p. 7

It was requested that Dalhousie would grant them a portion of land between their church building and the New Gaol. On this they intended to erect a manse. (10) Dalhousie consented to this request, and suggested that the lower half of the land might be kept for the sight of a National School in connection with the Church. (11) The congregation agreed to this, but decided to build a manse first. (12) The patent for the land was received in the summer of 1822. (13)

In November of 1820, a petition was sent to Bathurst by the members and adherents of the Church of Scotland Congregations in Montreal and Quebec. It stated that the people had been endeavouring to erect churches at their own expense, but did not have enough money to complete them nor keep them in repair. Therefore, as the congregations were a branch of the Established Church of Scotland, it was desired that the government would grant them aid. (14)

In 1821 this petition was followed by another from St. Andrew's Church, Quebec. Owing to an increase in membership, it was felt necessary to enlarge the church and it was requested that Dalhousie would grant them aid. (15) The sum of £500 was given from the Jesuit Estates, (16) and with the £2300 raised by subscription, the enlargement of the church was completed in 1824. (17)

To erect a manse the congregation subscribed £1000, but as more was needed, application was made to the Legislative Assembly and Council. (18) A committee was appointed by the Assembly and Dr. Harkness was examined by it. The committee decided that no aid could be granted. Because of this the manse was not erected until 1837. (19)

10. Petition of St.Andrew's Church,Quebec,July 28,1820,  
Miscel.Records,St.Andrew's Church,p.44.
11. Dalhousie to St.Andrew's Church,Aug.4,1820,  
Ibid.,p.67.
12. Minutes of Congregational Meeting,June 20,1821,  
Ibid.,p.64.
13. Letters Patent for the Granting of Land to St.Andrew's  
Church,Quebec,June 30,1822,P.A.C.,Land Papers.
14. Members of the Church of Scotland in Montreal and  
Quebec to Bathurst,Nov.12,1820,P.A.C.,Q 157-1,p.5.
15. Petition of St.Andrew's Church,Quebec,Nov.9,1821.  
Miscel.Records,St.Andrew's Church,p.69.
16. Dunn to Harkness,Nov.14,1823,  
Ibid.,p.71.
17. Kingsford,Hist.of Canada,vol.ix,p.314.  
The Hon.John Neilson stated before the Canada Committee  
in 1828 that,for the same purpose,the Church of England  
received £6000
18. Memorial of St.Andrew's Church to the Legislative  
Council,Dec.10,1823,Miscel.Records,St.Andrew's Church,p.73.
19. Supra.,p.92.

During the '30s little money was paid out by the Government for aid in erecting church buildings. The rent for the residence of the Rector of Quebec was still granted each year. (20) Moreover, owing to representations of the Bishop to the Colonial Department in 1830, it was decided that a See House should be secured for him in York. Governor Colborne was instructed to procure a furnished residence for this purpose. (21) Colborne, however, does not seem to have bothered about it. One or two small grants of land for building purposes were made during this decade. But apart from these and some small grants of money, aid for erecting church buildings seems to have been discontinued.

In 1833 an exception in what appears to be the general rule, was made in favour of the members of the Kirk in Upper Canada. They were granted £900 for building purposes. (22) Nothing was given for that purpose in Lower Canada. Thus, such congregations as those at Beauharnois, Huntingdon, Chateauguay, Beechridge, Williamstown, Ormstown, Laprairie, Valcartier and Grenville, had to erect buildings at their own expense.

Thus we find, that by 1841 the British Government had ceased subsidizing the erection of church buildings in Lower Canada. Neither the Churches of England nor Scotland were receiving any aid for this purpose.

20. Cf. "Estimates and Miscellaneous Expenses," Imperial Papers, 1827-1836, P.A.C., PF 66-70.

Minute Book, Vestry of the Cathedral of the Holy Trinity, Jan. 4, 1833, p. 46.

21. Murray to Kempt, Jan. 26, 1830,  
P.A.C., G 20, p. 225.

22. Abstract of the Minutes of the Synod of the Presbyterian Church of Canada, in Connection with the Church of Scotland, Aug. 2, 1833, York, U.C., p. 38.

Chap. V. THE CANADA COMMITTEE (1828): ITS RECOMMENDATIONS ON  
THE CLERGY RESERVES.

As mentioned in a preceding chapter, a committee was appointed in 1828 by the British House of Commons, to investigate conditions in the Canadas. (1) One of the questions with which the committee had to deal, was that of the relative positions of the Churches of England and Scotland. Because of this, the witnesses, called before the committee, were asked questions concerning the ecclesiastical situation.

One of the first witnesses was the Hon. Edward Ellice, Seigneur of Beauharnois. Although Ellice was rather partial to the Kirk, he did not believe that either of the churches should be endowed. He stated that:

"because the majority of the population are not members of the Established Church, far the greatest portion being dissenters, you may run the risk of increasing the evil by an attempt to make a separate distinct provision for the Church of Scotland, if you do not at the same time, provide for the claims other descriptions of Protestants conceive themselves entitled to under the Act of 1791." (2)

Ellice also suggested the abolition of the Reserves. He thought that:

"all legislation with respect to a conciliatory adjustment of the difficulties existing in that country will be in vain, unless some mode is devised of putting an end to the title of the Church in these lands, and substituting some other provision for them." (3)

On June 14th, the Rev. Crosbie Morgell, chaplain to the Bishop of Quebec, came before the committee. He stated that the people in the Canadas, preferred the Episcopalian service to the Presbyterian. When once Presbyterians joined the Church of England, they never left, even when a congregation of their own church was established in the vicinity. To prove his point he

1. Supra.,p.101.

2. Report of the Canada Committee,1828,  
Minutes of Evidence,May 17,1828,p.37.

3. Ibid.,p.58.



mentioned Montreal.(4) In doing this, however, he was in danger of giving a false impression, for although most of the Presbyterians remained in the Church of England, they also joined the Presbyterian congregation on St. Gabriel Street. Such men as McGill, Todd and Richardson belonged to both churches. Yet in spite of his Episcopalian bias, Morgell admitted that the two churches were equally established in the Empire.(5)

Mr. Morgell informed the committee that, in Lower Canada, the missionaries of the Society for the Propagation of the Gospel received £200 per annum. This was with the exception of two clergy who received more. The missionaries were not empowered to occupy glebes, but might rent a lot. (6)

In connection with the Clergy Corporation, Mr. Morgell stated that, until a short time before, that body had been unable to pay even its secretary. The revenues had been expended entirely in collecting the rents, and in paying the fares of the clergy to the annual meeting. "But there is not a single clergyman supported by the Reserves, or that netts as much as a sixpence from the reserves." (7)

On the same day that Mr. Morgell gave testimony, Lord Viscount Sandon was called as a witness. He was asked if he remembered what Lord Grenville had stated to be his purpose in creating the Reserves. Lord Sandon replied:

"I remember that he stated to me, that the scheme upon which he built the system that was intended to be incorporated in the Canada Act of 1791, was a good deal derived from information he had collected from an officer that had been much in Pennsylvania, of the system with regard to lands appropriated to religion and education in that state; I understood him to say, that the distinction of a Protestant Clergy which is frequently repeated in the Act of 1791, was meant to provide for any clergy that was not Roman Catholic, at the same time leaving it to the Governor and Executive Council of the province to provide, in future, how it should be distributed." (8)

4. Ibid., June 14, 1828, p.176.

5. Ibid., p.175.

6. Ibid., p.172.

7. Ibid., p.178.

8. Ibid., p.180.

In connection with this statement, Archdeacon Strachan asserted that Lord Sandon informed him, that he really meant that the Scottish, or dissenting clergy, had a contingent right if the Church of England did not need all the land.(9)

On June 17th, the Rev. Anthony Hamilton was called before the committee. He stated that of the £15,000 granted to the Society for the Propagation of the Gospel by the Government, £7000 was allocated to the Church in the Canadas. This grant was to be used principally for the payment of men in settled charges. But a small amount might also be used for erecting church buildings. All the clergy except those of Montreal, Three Rivers and Quebec received aid from the Society. (10)

Two days later, the Rev. Dr. Lee submitted a petition to the committee from the Church of Scotland. The petition requested aid for the Kirk in the Canadas. It was asserted that the Kirk was the biggest Protestant denomination in the colony, as it had equal rights of establishment with the Church of England, aid should be granted to the Kirk proportionate to that granted to the sister establishment.(11)

On June 21st, Stephen, counsel for the Colonial Department, gave evidence. His opinion was that the King could endow the clergy of either the Church of England or Scotland. When the Church of England was mentioned in the Canada Act, the Church of England was meant. When Protestant clergy were mentioned, Protestant clergy were meant. He held, however, that land could be held in mortmain by the two established churches only. To stop the trouble between the two churches, he advocated that the reserves should be sold as soon as possible.(12)



Five days later, J. C. Grant, agent for the Kirk in the Canadas, was heard. He had spent a month or two in Scotland, and it was doubtless due to his exertions that the General Assembly had passed a resolution, on June 2nd, supporting the efforts of Kirk congregations in the Canadas, to obtain government aid.(13)

Grant produced Dr. Lee's questions, and the answers to them which he had received from Lower Canada. From these he had drawn up a chart showing the relative numbers of the Presbyterian and other denominations. For all the denominations, except the Kirk, the chart is very defective. (14) Nor have we any sure method of testing the accuracy of his statements regarding the Kirk, itself. Moreover, we have the Rev. John Bethune's statement that much of his information was incorrect. (15) Grant also endeavoured to prove that the Church of Scotland was the largest Protestant denomination in Lower Canada, by quoting the numbers of registrations of civil acts performed by the Kirk ministers.(16) This, however, could prove little concerning either of the established churches, as they were practically the only churches in the Province which had the rights of registration.

On June 28th, the Hon. John Neilson was called before the committee. In connection with the ecclesiastical situation, he stated that neither the Church of Scotland nor the Church of England composed one fifth of the Protestant population of Lower Canada. He informed the committee that in Lower Canada the Episcopalians<sup>clergy</sup> numbered only seven. Like Ellice, Neilson held that all Protestants should receive aid eventually, but "that there ought to be some assistance given to the emigrants of the national churches, for the present."(17)

On the same day, Dr. Lee of the Church of Scotland said before the committee: "I do not think that the Church of Scotland consider themselves as having the right of establishing presbyteries

13. Extract from the Minutes of the General Assembly, June 2, 1828, Miscel. Records, St. Andrew's Church, Quebec, p.130.

Quebec Gazette, June 2, 1828.

14. Report of Canada Committee, Minutes of Evidence, June 26, 1828, p.270.

The method employed by Grant in making up the chart rather peculiar. For instance, at Coteau du Lac eighty-one signatures were given asking for a Kirk minister. Then Grant multiplied that number by five, and said that four hundred people claimed the Kirk. The rest of his figures were arrived at in the same manner. Morgell in submitting figures for the Church of England used the same method, only he multiplied by six. (Report, p.173.) The signatures obtained by the Kirk are in Miscel. Records, St. Andrew's Church, Quebec, p.115.

15. Bethune on the Church of Scotland's evidence before the Canada Committee, P.A.C., Q 191, p.13.

16. Report of Canada Committee, Minutes of Evidence, p.272.

17. Ibid., July 28, 1828, pp.280-283.

beyond the bounds of the Kingdom of Scotland." (18)

The last witness to be called was the Hon. Wilmot Horton. He felt that the reserves were to be used to make the Church of England the dominant church. The Church of Scotland, on the other hand, was to receive grants as the Executive Council and governor saw fit. In case the Provincial Legislature did not approve of this plan, the 41st section of the Canada Act made it possible to keep the Church of England from becoming the established church. (19)

On July 22nd. the Report of the Committee was presented to the House of Commons and ordered to be printed. (20) The Honourable Frankland Lewis, chairman of the committee, in referring to the Reserves on his presentation of the report, did not think them an asset to the country. He also stated that:

"the Law Officers of the Crown have given an opinion in favour of the rights of the Church of Scotland; to such participation your committee entirely concur."

On the other hand, Lewis did not know what to think of the other denominations, and their demands to share in the Reserves. He felt, however, that the dissenters might be given and as

"the evidence led them (the committee) to believe that neither the adherents of the Church of England, nor those of the Church of Scotland form the most numerous religious body in the Province of Upper Canada." (21)

With regard to the Reserves, the Committee, after acknowledging the Kirk's right to a share in the Reserves, made the following recommendation:

"The committee see little reason to hope that the annual income to be derived from this source, is likely, within any time to which they can look forward to an amount to sufficient to provide for the Protestant clergy of these provinces. But they venture to press the early consideration of this subject on His Majesty's Government, with the view to an adjustment that may be satisfactory to the province. Of the principle on which these lands are

18. Ibid.,p.291.

19. Ibid.,p.307.

20. Jour.,H.of C.,1828,vol.lxxxiii,p.551.

21. Quebec Gazette,Sept.18,1828.



hereafter to be applied, and in deciding the just and prudent application of the funds, the government will necessarily be influenced by the state of the population, as to the religious opinions at the period when the decision is to be taken."(22)

Thus we find the Kirk's efforts to obtain aid from the Reserves given qualified support by an official committee of the British House of Commons. This was the second step towards the goal. But it was enlarged somewhat to allow all Protestants to obtain a foot-hold.

22. Report of the Canada Committee, p.10.  
The Report is also printed in full in Christie,  
Hist. of Lower Canada, vol.iii, 1850, pp.185-202.

Part V. 1828-1841

Chap.I. THE END OF THE QUESTION OF REGISTRATION AND INCORPORATION

In reality, the question of the Kirk's rights to perform and register civil acts, had been settled in 1827, and the right to incorporation in 1830. But there were one or two questions of the same type which arose in the decade of the thirties.

One of the first problems related to the Protestant Burial Ground of Quebec. In 1780 one and a half acres of land had been acquired by the Government for a Protestant cemetery. This land was situated on St. John Street, where the present St. Matthew's Anglican Church stands. No special party was appointed to regulate the affairs of the burial ground until 1823. In that year a body of trustees was created by Royal Letters Patent. The members of the board were: Archdeacon Mountain, Dr. Mills, chaplain to the garrison, Dr. Harkness of St. Andrew's Church, Andrew Cochran secretary of the Clergy Corporation, the church wardens of the Church of England and the trustees of the Scotch Church.(1)

About the year 1829, there had been some trouble in Kingston over the rights of the Kirk minister to perform burial services in the Protestant cemetery there. The Episcopalians had maintained that the Church of England clergyman was the only person who could inter bodies in that cemetery. Their contention was upheld by Governor Maitland and the Colonial Department. Thus, Dr. Harkness was very much alarmed when he heard that the Episcopalians contemplated the consecration of the burial ground at Quebec. As he expressed it: "they may consecrate their ground when they please. Presbyterians will sleep as well in consecrated as unconsecrated

1. Patent of the Quebec City Protestant Burial Ground, 1823,  
Register of Patents, Letters and Commissions,  
Register Office, Quebec City, vol. vii, fol. 442.

ground. It's a' ane to Dandy. But nane o' them will mutter an ill-mumbled mass o'er a Presbyterian grave, and ask twa dollars for the doin' o't." He therefore, hastened to Kempt and laid the whole matter before him. At first the governor would not agree to Dr. Harkness's protest against having to pay fees to the Church of England for burial. However, after a somewhat stormy interview, matters were settled to the satisfaction of both parties.(2)

Nothing of this type ever occurred in Montreal. At first the burial ground was under the government of a board appointed by the Scotch and English churches of the city. Later the work was probably taken over by an interdenominational board. There are, however, no records obtainable to ascertain the truth of this.

During the following year the rights of registration were granted by the Legislative Assembly to the ministers of the **Associated** Synod of Scotland, The Baptists, and the Universalists.(3) The only person who really had any trouble was the Rev. John Clugston of St. John's Scotch Presbyterian Church, Quebec. This trouble was due to Dr. Harkness's opposition to his receiving a register. Dr. Harkness attempted to make Mr. Clugston use the St. Andrew's Church registers and give him the fees.(4) This attempt failed,(5) and for the first time since 1803 St. John's Church had legally authenticated registers.

In 1831 St. John's Church followed the example of St. Andrew's Church by applying for incorporation. On February 9th the bill of incorporation was given its first reading in the Assembly.(6) It was passed by the Council on March 24th but was reserves.(7) The reservation, however, was a mere formality, for on April 12, 1832 the Royal Assent was given to the bill, and on June 5th the assent was proclaimed in Lower Canada. The incorporation obtained was exactly the same as that of St. Andrew's Church.(8)

2. (Croil, Rev. James,) Life of the Rev. Alexander Mathieson, D.D.,  
Montreal, 1870, pp. 106-108.
3. Lower Canada, 6 Will. IV, c. 49.
4. Rev. John Clugston to Dr. Burns, Nov. 15, 1830,  
Glasgow North American Colonial Society Correspondence.  
Public Archives of Ontario
5. James Clugston to Burns, Mar. 23, 1831, ibid.
6. Jour., H. of A., Feb. 11, 1831, p. 168.
7. Ibid., pp. 479 & 504.
8. Lower Canada, 1 Will. IV, c. 55.

The question of incorporation which bulked largest during this period, was that of the incorporation of the Kirk Presbytery of Quebec. In 1831, a Synod of the Church of Scotland was formed, and the Kirk in Lower Canada formed the Presbytery of Quebec. On November 3, 1832, the Presbytery passed a resolution lamenting the disabilities under which it suffered, because of lack of legal recognition. (9) This was followed by an overture being sent to the Synod, which met on August 6, 1833, at York. The overture stated that;

"In consideration of the difficulties arising in the administration of the Laws and discipline of our church, from our not being a corporate body, and being unknown to the law in these Provinces as a Church Court, it is humbly overtured that the Synod take steps to have the decisions of our Church Courts recognized by the law of the land, in so far as their decisions are conformable to the laws and practices of the Church of Scotland, and that the several Presbyteries be enjoined to take this subject into serious and immediate consideration, and to report to a committee appointed by the Synod on the measures they deem most advisable to attain the end proposed. And further, that the said Committee of Synod shall carefully consider such Reports and procure all other information on the subject within their power, and prepare a plan for the consideration of the Synod at its next meeting." (10)

As a result of this overture, the Presbytery of Quebec was appointed as a committee to investigate the question of incorporation. The following year, the committee reported that a letter had been written to Dr. MacFarlane, chairman of the General Assembly's Committee on Colonial Churches, asking him to obtain recognition of the Synod by the Church of Scotland. No communication had been received from him nor from any of the Presbyteries of the Synod. (11)

Nothing more was done about the matter until September 20, 1836. On that day Rev. Messrs. Mathieson, Esson and Cook were appointed a committee by the Synod, to obtain incorporation for the Presbytery of Quebec. (12) Apparently they sent a petition concerning this matter to Gosford, the Governor-in-Chief. In a

9. Minute Book, Presbytery of Quebec, Nov. 3, 1832, p. 46.

10. Minutes of Synod, Aug. 6, 1833, York, p. 47.

11. Minute Book, Presbytery of Quebec, Aug. 8, 1834.

12. Minutes of Synod, Sept. 20, 1836, Kingston, p. 128.



letter dated January 31, 1837 to Glenelg, the Secretary for the colonies, he stated that he had received a petition from the Presbytery of Quebec asking for incorporation, but this could not be granted except by an act of the Imperial Parliament, incorporating the Kirk in all the colonies.(13)

Gosford had evidently informed the Presbytery of his views on the subject, for in 1837, a committee was appointed by the Presbytery to draw up another petition to the Crown. This petition was to ask for the incorporation of all Kirk congregations, so that they might hold property, take action in the courts of the land and have all the privileges of a corporate body.(14) The petition was placed in the hands of Dr. Mathieson, minister of St. Andrew's Presbyterian Church, Montreal, who was going to Britain as an agent of the Synod.(15) Dr. MacFarlane of Glasgow, had already made unavailing efforts to obtain incorporation for the Kirk in the colonies.(16)

In Canada, the Synod continued its efforts to obtain legal recognition. On August 6, 1838, a commission was appointed to obtain incorporation in Lower Canada for the Synod, Presbytery and congregations of the Kirk. They hoped to obtain the fulfillment of their desires, either by legislative act or by Royal charter. The matter, however, seems to have been dropped here.(17) Why, it is hard to say. But at this time Lower Canada was being governed by a special council, and not by the Legislature. This council was expressly forbidden to alter the status of any of the denominations in the province. (18) Nothing would be gained by attempting to obtain incorporation through this council. Then, too, the heat of the conflict regarding the

13. Gosford to Glenelg, Jan. 31, 1837,  
P.A.C., Q 255-1, p. 13.

14. Minute Book, Presbytery of Quebec, June 27, 1837, p. 77.

15. Clugston to Burns, June 12, 1837,  
P.A.O., Glasgow Col. Soc. Corr.

16. MacFarlane to Glenelg, 1836,  
P.A.C., Q 230-3, p. 548.

17. Minutes of Synod, Aug. 6, 1838, Montreal, p. 161.

18. Imperial, 2&3 Vict., c. 53, f. iv.

Clergy Reserves, was at its height at this time, and all attention was focused on that issue. Thus, it is probable that it was set aside for the time as being unattainable, or unimportant when compared with the other matters.

Chap.II THE SETTLEMENT OF THE KIRK'S EDUCATIONAL PROBLEM:

QUEEN'S COLLEGE FOUNDED.

By 1827, subsidies were being voted annually by the Assembly, for the support of education in the Province. In that year, we find Goderich proposing the endowment of education in the Province by an annual provincial appropriation of £2,362. Of this sum £1800 was to be divided among the school masters in the Province. The remaining £562 was to be used to pay the salaries of the masters of the Royal Grammar Schools at Quebec and Montreal.(1) This proposal was rejected by the Assembly, as they wished to control education by voting annual sums of money for its support, and, at the end of 1829, the two grammar schools were still the only ones receiving any aid from the Jesuit Estates.(2)

Meanwhile the members of the Kirk had been making efforts to erect schools. It appears that as early as 1823, there was a free school in Montreal in connection with the St. Gabriel Street Presbyterian Church. How long it continued in existence, or how it was supported, it is impossible to say. The sole source of information which I have been able to discover, is a reference to the school in the Minute Book of the Kirk Session. A Mr. Steele was the schoolmaster at the time.(3)

In 1828, the Kirk made its first real efforts to obtain some share in the control of Protestant education in the Province. In a memorial, dated January 30, 1828, to the General Assembly of the Kirk in Scotland, it was lamented that the Episcopalians had such a large control over Protestant education.(4) Because of this control, the children whose parents belonged to the Kirk, nearly always went to private schools rather than those of the Royal Institution. The private schools were taught by men from Scotland or the North of Ireland.(5)

1. Goderich to Dalhousie, July 31, 1827,  
P.A.C., G 16, p. 120.

2. Kempt to Murray, Dec. 21, 1829,  
P.A.C., Q 190-2, p. 394.

Previous to this, the revenue of the Estates had been used for many purposes. Dalhousie gave £300 to St. Andrew's Church Quebec, and the stipend of the incumbent of Trinity Chapel, Quebec, was paid from the Estates. cf. Murray to Kempt, Ap. 27, 1830,  
P.A.C., G 20, p. 449.

3. Minute Book, Kirk Session, St. Gabriel Strt. Church,  
Mar. 12, 1823, p. 84.

4. Memorial to the General Assembly of the Church of Scotland,  
Jan. 30, 1828, Miscel. Records, St. Andrew's Church, Quebec, p. 93.

5. Harkness to \_\_\_\_\_, Feb. 13, 1829,  
Ibid., p. 153.

On December 26, 1828, the Hon. John Neilson presented a petition to the Legislative Assembly from St. Andrew's Presbyterian Church, Quebec. This petition prayed that the Assembly would grant £500 to aid in the erection of a National School, in connection with the church. The petition was referred to the Assembly's committee on education.(6) The committee reported on January 27, 1829, and recommended that a number of schools be granted aid by the Assembly. Amongst these schools, it was advised that the St. Andrew's Church School should be granted £400 for the erection of a building.(7) The Assembly followed the recommendation, and on May 6, 1829, the members of the church resolved to erect the building.(8)

A few days prior to the granting of the £400 to St. Andrew's Church, the Scottish Presbyterians of Lower Canada addressed a petition to the Legislative Assembly, requesting aid in erecting schools to educate the children of the poor of the Kirk. The members of the Kirk wanted equal participation in all grants given to the Episcopalians for education. (9) This petition was followed by a memorial from Rev. Messrs. Harkness and Esson, complaining of the partiality shown to the Church of England by the Royal Institution for the Advancement of Learning. It was stated that Episcopalian teachers were always given the preference as teachers, and only Church of England clergy were appointed as visitors. If the Roman Catholics were to have a separate committee, as had been proposed, the Kirk wanted one also. Failing this, the Kirk desired equal representation with the Episcopalians on the board of the Institution. (10) On January 26, 1829, another petition was received from the Trustees of St. Andrew's Church, Quebec, supporting the contentions of the memorial of Messrs. Harkness and Esson.(11)

6. Jour., H. of A., Dec. 26, 1828, p. 234.
7. Ibid., Jan. 27, 1829, p. 404.
8. Minutes of Congregational meeting, May 6, 1829,  
Miscel. Records, St. Andrew's Church.
9. Memorial from the Lower Canada Presbyterians to the  
Legislative Council and to the Legislative Assembly,  
Jan. 21, 1829, ibid., p. 147.
10. Memorial of Messrs. Harkness and Esson, Jan. 23, 1829,  
P.A.C., S 203a, fol. 172.
11. Jour., H. of A., Jan. 26, 1829, p. 394.

All these petitions and memorials were referred to the Assembly's committee on education. The committee then summoned Mr. Esson before it as a witness. In answer to their queries, he stated that there was only one teacher employed by the Institution, who was not a member of either the Church of England or the Church of Rome. All professors of McGill University had to belong to the Church of England, as did all the visitors of the Royal Institution.(12) These statements were supported by Dr. Harkness in a letter to Neilson, the chairman of the committee on education. He stated that Presbyterians had often been rejected by the Institution, in favour of teachers of inferior ability, who belonged to the Church of England.(13)

The only reply to these accusations seems to have come from an anonymous pamphleteer. In his Lower Canada Watchman (1829) he attacked the statements made by the Presbyterians. He asserted that there were two Presbyterians who had been appointed as teachers. One, a Kirk man, was appointed to Williamstown in the Seigneiry of Beauharnois. The other a seceding Presbyterian minister, was appointed to a school at Longueuil.(14) It appears, however, that there must have been considerable truth in the statements of the two Kirk ministers, for, in the following year, Dr. Harkness was appointed to the Institution.(15)

On March 5, 1829, Dalhousie's recommendation of the formation of a separate Roman Catholic committee of the Royal Institution, was taken up by the Assembly. A special committee was appointed to consider this proposal, which was embodied in a Bill received from the Legislative Council.(16) The committee advocated strongly, the adoption of the proposed measure, but the House decided to defer any decision on the matter until the next session.(17)



12. Ibid., Jan. 27, 1829, pp. 401-403.

13. Harkness to the Chairman of the Committee of the Legislative Assembly on Education, Feb. 13, 1829, Miscel. Records, St. Andrew's Church, p. 157.

14. (Chisholm, David), The Lower Canada Watchman, Kingston, 1829, p. 391.

15. Letters Patent appointing Dr. Harkness a member of the Royal Institution for the Advancement of Learning, Commissions and Letters Patent, Lower Canada, Secretary of State Department, Ottawa, vol. xi, fol. 354.

16. Jour., H. of A., Mar. 5, 1829, p. 289.

17. Ibid., Mar. 7, 1829, p. 662.

In connection with this question of separate educational systems for the Protestants and Roman Catholics, Murray, in 1830, recommended the erection of endowment of two colleges at Montreal. One was to be for Protestants; the other for Roman Catholics.(18) If this proposal had been followed, it would have been disastrous to the University of McGill College.

Nothing much had been done for this college during the period 1819-28. Desrivieres, the residuary legatee of James McGill, contested the bequest to the Royal Institution. Because of this it was no use taking any steps towards the opening of the college, until the issue of the contest was settled. However, in 1821, Archdeacon Mountain was appointed principal. In 1823, he appointed professors, in order to fulfill the conditions of McGill's will. In doing this, it has been maintained, he endeavoured to make it possible for graduates of Scottish Universities to occupy professorial chairs.(19) This, however, is contrary to the evidence given by Mr. Esson before the Assembly's committee in 1828. Which statements are right, it is hard to say, and I have never yet discovered a refutation of either.

In 1830 a charter was drawn up for McGill College. By it, requirements were made that all students and professors had to be Christians, but no other religious test was to be applied, except that the Faculty of Divinity was under the control of the Church of England.(20) This charter was very different to the charter of King's College, York, in which all the professors had to sign the Thirty-Nine Articles of the Church of England.(21) The change was probably due to the influence of Dalhousie and Murray, both of whom appear to have disliked religiously exclusive charters.(22) Goderich appears to have been in favour of having an exclusively Church of England college, and an inter-denominational college with no tests at all.(23)

18. Murray to Kempt, Sept. 3, 1829,  
P.A.C., G 19, p. 175.

19. Mountain, Arminie, A Memoir of the late G. J. Mountain, D.D.,  
Montreal, 1866, p. 64.

20. Proposed Constitution of McGill College, 1830,  
P.A.C., Q 191-1, p. 130.

21. Bathurst to Strachan, June 22, 1826,  
P.A.O., Strachan Papers.

22. Dalhousie to Hay, Feb. 14, 1829,  
P.A.C., Q 190-3, p. 535.

Murray to Kempt, April 27, 1830,  
P.A.C., G 20, p. 449.

23. Bethune to Strachan, Aug. 29, 1831,  
P.A.O. Strachan Papers.

In 1829 the Legislative Assembly again took up the matter of education. An act had been passed in the previous session to aid such schools as were not under the supervision of the Royal Institution.

(24) In 1829 they turned their attention to the Jesuit Estates. An address was presented to the administrator, Kempt, asking him to place the Jesuit Estates in the hands of the Assembly for the purpose of subsidizing education. (25) Murray, agreed with this. He wrote Kempt instructing him to remove the stipend of the incumbent of Trinity Chapel, Quebec, from the expenditures of the Estates. (26) Then in May 1831 he instructed Aylmer, Kempt's successor, to pay the salary of Dr. Mills, secretary of the Royal Institution, from the revenues of the Estates. (27) No reply, however, was made to the Assembly's address until July 7, 1831, when Goderich, who had succeeded Murray, informed the Assembly that for the last few years all the revenues of the Jesuit Estates had been used for education. (28)

Meanwhile, St. Andrew's Church, Quebec, had been finding it difficult to support a schoolmaster. Thus on February 8, 1831, the congregation applied to the Assembly for aid. (29) After investigating the need of the school, the Assembly granted ~~£~~100 to aid in the support of a teacher. This grant was made annually until 1836. By the same act of appropriation in 1831, the Royal Institution received ~~£~~2000 to aid in the education of 3603 scholars. (30)

In 1832 the committee on education instituted an investigation concerning the National Schools, which were under the Society for the Promotion of Christian Knowledge. Archdeacon Mountain stated that, since 1827, the schools at Montreal and Quebec had been receiving ~~£~~100 each year from the Assembly. The school at Quebec had 200 pupils, and in charge of this school

24. Lower Canada, 9 Geo. IV, c. 46.
25. Christie, op. cit., vol. iii, p. 253.
26. Murray to Kempt, April 27, 1830,  
P.A.C., G 20, p. 449.
27. Hay to Aylmer, May 26, 1831,  
P.A.C., G 22, p. 479.
28. Goderich to Aylmer, July 7, 1831,  
Ibid., p. 537.
29. Jour., H. of A., Feb. 8, 1831, p. 122.
30. Lower Canada, 1 Will. IV, c. 7.  
Cf. Jour., H. of A., 1831, Appendix F.

was a schoolmaster and schoolmistress who received £200 and £40 respectively. Any amount needed over the £100 grant was furnished by the Royal Institution. The land on which the schools stood was held in the name of the Bishop of Quebec. (31)

In 1833, while provision was made by the Assembly for the support of the National and other schools, no provision was made for the Royal Institution. (32) Moreover the salaries of £200 usually granted from the Jesuit Estates to the masters of the Royal Grammar Schools were reduced. The Assembly was able to do this, as, in the preceding year, they had been given control of the revenues of the Estates. (33) In 1834 the grants were made as usual, but again, the Royal Institution received nothing. (34)

During this year, the first concerted action towards a partial share in the control of education was taken by the Kirk. On October 7, 1834, Dr. Mathieson, of St. Andrew's Church, Montreal, laid the following overture before the Synod:

"It is respectfully overtured, that the Synod take into serious consideration the state of Elementary Education in this country, and devise such measures as will tend to place the education of the Presbyterians on such footing as will ground them in the Principles of the Holy Christian Faith as set forth in the standards of the Church of Scotland. That with this in view, Presbyteries will endeavour to have one school at least connected with each congregation within the bounds, and forming part of the Ecclesiastic Constitution of each individual Church; That those schools be under the supervision and direction of the respective Presbyteries within which they may be situated, and shall be at least examined annually by the Presbytery, and a report made to the Synod: That the matter being of vast importance, and requiring much time and caution to bring it into effectual operation, a Committee of Synod be appointed to take charge of it, and that it may be forwarded with all convenient speed."

As a result, the Presbyteries were ordered to report to a committee appointed by the Synod. This committee, however, does not appear to have functioned. (35)

31. Ibid.,Appendix II,Jan.10,1832.

32. Lower Canada,3 Will.IV,c.20.

33. Waddilove,Canadian Church Robbery,pp.11-13.

34. Lower Canada,4 Will.IV,c.23.

35. Minutes of Synod,Montreal,Oct.7,1834,p.70.

In 1835 McGill College really came into existence. In that year the Privy Council gave decision in favour of the Royal Institution.(36) The Rev. John Bethune was appointed principal in Archdeacon Mountain's place, and the college then opened. (37) The only religious tests were for the professors of divinity. They had to sign the Thirty-Nine Articles of the Church of England.

In the same year the Assembly voted no money for the support of education in the province. But the losses thus incurred by the schools, were made up in the following year by increased grants. (6 Will . IV, c. 30.)

In 1836 the final blow was delivered to the Royal Grammar Schools in Montreal and Quebec. In that year, the Assembly made no appropriation for their support, and because of that, the grammar schools had to close.(38) The master of the school at Quebec attempted to obtain aid from the Imperial Government, but failed. (39) From then on, the Royal Grammar Schools disappear.

In 1837, the final stage of the Kirk's struggle for equal rights in education began. At the Synod meeting, in 1836, at Kingston, the problem of educating young men for the ministry arose. (40) But no action was taken until 1837, when Dr. Mathieson was sent to Britain. Education was one of the subjects which he was instructed to take up with the General Assembly of the Kirk, and the British Government.(41) In communicating with the General Assembly, he asked that the Synod should be allowed to train young men for the ministry in the Canadas. To aid in this, he asked the Government to endow a chair of theology for the Kirk, at King's and McGill Colleges. The Presbyterian theological faculty, which he proposed, would be under the supervision of the Synod.(42)



36. Bouchier to Stewart, May 2, 1835,  
P.A.C., G 29-2, p. 520.

37. Bethune to Strachan, Jan. 25, 1836,  
P.A.O., Strachan Papers.

38. Goulburn to Glenelg, April 19, 1837,  
P.A.C., Q 242-2, p. 549.

39. Burrage to Goulburn, May 1, 1837,  
Ibid., p. 126.

40. Minutes of Synod, Sept. 20, 1836, Kingston, p. 125.

41. Clugston to Burns, June 12, 1837,  
P.A.O., Glasgow Col. Soc. Corr.

42. Mathieson to Glenelg, Aug. 5, 1837,  
P.A.C., Q241-3, p. 735.

Dr. Mathieson also asked that a system of parochial schools, like those functioning in Scotland, should be created and endowed. These would be in connection with the Scotch Presbyterian Churches. (43) In reply to his efforts to obtain aid for Presbyterian education, Dr. Mathieson received little encouragement. He was informed that education was a matter for the provincial legislature. His Majesty's Government in England could not force any plans upon them. It was promised, however, that any influence which the Imperial Government had, would be employed to obtain aid for the Kirk in its efforts to share in the provincial support given to education. (44)

Although Dr. Mathieson's efforts on behalf of the Kirk in connection with education, had accomplished little, action was taken again the next year. At a meeting held in Montreal, to ask the governor to appoint a commission on education, the Kirk had its representatives. (45) To the commission appointed in answer to this request, a memorial was sent by the Presbytery of Quebec. But nothing was attained by these exertions. (46)

At, last, in the following two years (1839-40) the question of the Kirk and education was settled. As early as 1832, the Kirk Synod had set on foot a movement to obtain a college, founded on the Scottish plan. A committee had been appointed to approach the Government for aid for this purpose, but it had accomplished little. (47)

Because no aid was received, the Synod decided, at first, that it would ordain no men but those licensed by a Scottish Presbytery. (48) This, however, was found to be inconvenient. Thus we find that, by 1838, the different Presbyteries of the Synod were supervising the education of candidates for the ministry. (49) These candidates were accepted by the General Assembly of the Kirk. (50)

In 1839, was made the Kirk's first real effort to found a college for Arts and Theology. They were warned, however,

43. Ibid., p.734.

44. \_\_\_\_\_ to Mathieson, Aug.15, (1837)  
Ibid., p.752.

45. Minute Book, Kirk Session, St. Paul's Presbyterian Church,  
Montreal, July 1, 1838, p.57.

46. Minute Book, Presbytery of Quebec, Oct.8, 1838, p.104.

47. Minutes of Synod, Kingston, Aug.2, 1832, p.26.

48. Ibid., p.33.

49. Ibid., Montreal, Aug.4, 1838, p.158.

50. Ibid., Aug.6, 1838, p.161.

by Dr. Burns of Paisely, that the General Assembly's Committee on Colonial Churches would not be in favour of a college. As he expressed it, the Committee "wishes to keep the church in Canada on leading strings." (51) But before his letter reached Canada, the Synod had adopted a draft of an act of incorporation for the proposed college. And the Synod's Committee on Education, was instructed to have the bill of incorporation passed at the next session of the Legislature of Upper Canada. (52) At the same time, Dr. Cook, who had succeeded Dr. Harkness at Quebec, and Mr. Rintoul of Streetsville, U. C., were sent to Scotland, to obtain aid in erecting the college. (53)

In January 1840, a petition was presented to Poulett Thomson, the Governor-in-Chief, asking him to obtain, for the college, a royal charter and the right for it to be called "Queen's College". (54) This request was made to off-set King's College. (55) Thomson forwarded the petition with the following recommendation:

- "There are no persons in this Province more truly loyal to Her Majesty; more anxious to promote the general welfare of her dominions, or who have made greater exertions to advance religion and moral education, in this Province, than the Gentlemen by whom this institution has been set on foot." (56)

By a despatch dated March 31, 1840, Russell informed Thomson that Her Majesty had been pleased to allow the new college to be called "Queen's College." He asked that the proposed charter might be forwarded to him. (57)

Queen Victoria had agreed readily to the granting of a royal charter to Queen's College. (58) However, when the proposed charter was received by the Colonial Department, difficulties arose. The first professors of Divinity were to be appointed by the General Assembly of the Kirk, (59) and all other requirements were to be the same as those of the University of Edinburgh. (60) The

51. Burns to Rintoul, June 8, 1839,  
P.A.O., Glasgow.Col.Soc.Corr.
52. Minutes of Synod, Kingston, July 9, 1829, p.194.
53. Clugston to Burns, June 27, 1840,  
P.A.O., Glasgow.Col.Soc.Corr.
54. Petition for the Queen's favour for "Queen's College,"  
Jan.21, 1840, P.A.C., Q 270-1, p.75.
55. Morris to Burns, Feb.3, 1840,  
P.A.O., Glasgow.Col.Soc.Corr.
56. Thomson to Russell, Jan.20, 1840,,  
P.A.C., Q 270-1, p.71.
57. Russell to Thomson, March 31, 1840,  
P.A.C., G 46, p.631.
58. Gillespie to Burns, May 31, 1840,  
P.A.O., Glasgow Col.Soc.Corr.
59. McGill to Burns, April 22, 1840, ibid.
60. Suggested Charter of Queen's College, (Aug.13, 1840)  
P.A.C., Q 273-2, p.227.

real difficulty in the charter was, that, by it, the Faculty of Divinity of Queen's College was to receive part of the endowment of the King's College, Toronto. Russell was absolutely opposed to this. He also said that the regulations regarding the trustees and chair of divinity, made the college too exclusively Presbyterian. Because of this he would do nothing further regarding the charter, until Thomson had given him further information.(61)

Thomson, however, pressed for a royal charter similar to that submitted by the Synod. As a result, Russell instructed Gillespie, the Kirk's agent in London, to draw up a charter for the college. But there was to be no reference to the King's College endowment.(62) Meanwhile the Act of Incorporation of Queen's College had been passed by the Legislature of Upper Canada, and reserved for the Royal Assent. Russell at first declared that he would disallow it, and grant only a royal charter. This was because of the endowment provision.(63) Thomson did his best to have this clause left in the charter. He informed Russell that both Bishop Strachan, and the Presbyterians had agreed to it. He did not see, therefore, why there should be any objection.(64)

At last on December 8, 1840, Russell informed Thomson that he had talked the question over with Messrs. Cook and Rintoul. As a result of this, he had decided to assent to the Act of Incorporation with its exclusive regulations concerning the trustees and divinity professors. The only alteration that had to be made, was that no money could be taken from King's College. (65) With this the Presbyterians had to be satisfied. The buildings were erected and the professorial chairs endowed entirely from private subscriptions.

61. Russell to Thomson, Oct. 12, 1840,  
P.A.C., G 49, p. 356.

62. Russell to Sydenham, Nov. 4, 1840,  
P.A.C., G 50, p. 81.

63. Sydenham to Arthur, Nov. 27, 1840,  
P.A.C., G 49, p. 370.

64. Thomson to Russell, Dec. 2, 1840,  
P.A.C., Q 274-1, p. 88.

65. Russell to Sydenham, Dec. 8, 1840,  
P.A.C., G 50, p. 147.

The Royal Charter of Queen's College Kingston, 1841,  
P.A.C., Pamphlet 1864.

Thus, after considerable exertion, the Church of Scotland finally obtained a college of its own. This was the final step towards equality with the Church of England in matters of education. Little was done for education by the government in Lower Canada between 1837 and 1841. When action was taken again, the old denominational differences had largely been forgotten. Henceforth it was to be Protestant not Episcopalian or Presbyterian education.



Chap. III THE SETTLEMENT OF THE KIRK'S STRUGGLE FOR A SHARE IN  
GOVERNMENT SUPPORT AND THE CLERGY RESERVES.

On the publication of the report of the Canada Committee in 1828, some opposition to the committee's findings was immediately apparent. Forming part of the opposition~~/~~ was the Church of England, who disagreed entirely with the recommendations concerning the Clergy Reserves. Archdeacon Strachan wrote two pamphlets attacking the Committee's Report. One was a pamphlet addressed to Dr. Lee of the Church of Scotland, and the other was ~~sent~~ to the Hon. Frankland Lewis, M. P., chairman of the Parliamentary Committee.(I) In these pamphlets Strachan laid blame for all the trouble concerning the Reserves, on the shoulders of the Kirk. He asserted that the information given to the Committee by the witnesses of the Kirk was false. Moreover, the Committee was anti-Episcopalian from the beginning, so justice could not be expected. If the Church of England had been established in the Thirteen Colonies, the Revolution would never have taken place. Again there was the same need for an establishment, for if the Church of England was not established and endowed, Canada would probably join the revolted colonies.

Not only did protests appear in pamphlets, they were also sent to the Imperial Government by the clergy of the Church of England. On February 18, 1829, we find Bishop Stewart writing to Secretary Murray. He complained that Huskisson, the former Secretary for the Colonies, had paid no attention to his letters of January and March 29, 1828, asking for the right of the Church of England to defend itself. The report of the committee had only been accepted because of the inaccurate information

1. Strachan, Rev. John.

A Letter to Dr. Lee, Convenor of a Committee of the General Assembly of the Church of Scotland, Kingston, 1829.

A Letter to the Right Hon. Thos. Frankland Lewis, M.P., York, 1839.

which had been submitted as evidence.(2) But despite the assertions of the Church of England regarding the Report, Parliament concurred in the recommendations. Even Bathurst, who was an ardent advocate of the Church, on June 26, 1828, admitted that the Reserves were supposed to be employed in supporting the clergy of other churches as well as those of the Church of England.(3)

Yet, in the next year Parliament showed that it was still in favour of granting aid to the Church of England. It did this by granting £16, 281 to the Society for the Propagation of the Gospel, as it had done since 1824. Hume opposed the grant on the grounds that the £158,000 granted since 1814 to the Society had done little good. Murray replied the grant was for religion in general, and would aid in making the people conform to the Church of England. This did not convince Hume, and, with Labouchere and others, he refused to vote for the bill.(4)

Meanwhile the Presbyterians seem to have been encouraged by the Report of the Canada Committee. On January 31, 1829, a memorial to Murray was drawn up and signed by the Session and ministers of St. Gabriel Street Presbyterian Church. Request was made that a grant of £100 should be given to both Messrs. Esson and Black, as Bathurst had promised in 1825. Moreover, they asked that the grant should be made retro-active to the year in which the promise was made. (5) This memorial was forwarded, with a strong recommendation from Governor-General Kempt. He stated, however, that there was no provincial fund from which the money could come.(6) Murray promised to take the matter into consideration, and there it was left.(7)

Ever since the publication of the Committee's Report, Murray had been attempting to find some method of supporting the

2. Bishop of Quebec to Murray, Feb. 18, 1829,  
P.A.C., Q 187-1, p. 280.

3. Quebec Gazette, Aug. 14, 1828.

4. Debates of the House of Commons, London. 1829, New Series,  
vol. xxi, pp. 455-458.

5. Minute Book, Kirk Session, St. Gabriel Strt. Church, Jan. 31, 1829,  
p. 105.

Memorial of the Session and Ministers of St. Gabriel  
Street Presbyterian Church, Montreal, Jan. 31, 1829,  
P.A.C., Q 187-1, p. 235.

6. Kempt to Murray, Feb. 8, 1829,  
Ibid., p. 232.

7. Murray to Kempt, May 15, 1829,  
P.A.C., G 18, p. 240.

clergy of both churches, and of abolishing the Reserves. On September 29, 1828, he wrote Kempt asking him to ascertain whether there were funds available for supporting the clergy, apart from the Reserves. He also asked for the relative numerical strength of the Churches of England and Scotland(8). Kempt did not give any information on the numbers of the churches until January 18, 1830, when he gave the census figure of the preceding year. According to these statistics the Church of England had 14,570 members and the Church of Scotland only 3,547. It is only fair to note, however, that, in many cases, the members included in the Church of England, were probably Presbyterians who had no other church to which they might go. But in spite of such allowances, it is obvious that the Church of England was the larger of the two churches.(9)

Since the Cession of the Canadas, part of the clergy had all or a portion of their stipends paid from the Military Estraordinaries. To Goderich, who succeeded Murray this did not seem right. Thus in a despatch dated December 24, 1830, he informed Aylmer, the new Governor-in-Chief, that he wished the clergy stipends to be placed on the expenditures of the Casual and Territorial Revenue. This fund, after deducting the revenues of the Jesuit Estates and all contingent expenses, would amount to about £7500. He proposed to give the Church of England £5,250/18/6 the Church of Scotland, £500 and the Roman Catholic Bishop £1000.(10) Presumably this proposal was in agreement with the policy being adopted by the Imperial Government, of relinquishing all Crown Revenues except the Casual and Territorial Revenues in return for a permanent Civil list from the Provincial Legislature. The Casual and Territorial Revenue would no longer have to support the civil establishment of the Province,

8. Murray to Kempt, Sept. 29, 1828,  
P.A.C., G 17, p. 189.

9. Kempt to Murray, Jan. 18, 1830,  
P.A.C., Q 193-1, p. 163.

10. Goderich to Aylmer, Dec. 24, 1830,  
P.A.C., G 21, p. 366.

and the stipends of the clergy could be placed on that fund, beyond the reach of the Assembly. According to this despatch the Church of Scotland was to receive an increased grant of £500 per annum. Goderich's effort, however, was not a success. The Assembly refused to vote the Civil List, and the Casual and Territorial Revenue had to be used for the payment of the expenses of the Civil Establishment (II) The clergy salaries continued to be paid from the Military Extraordinaries.

The year 1831 saw a redoubling of the efforts of both churches; one attempting to hold all the Reserves, and the other to obtain a part of them. To accomplish their end, both churches used petitions, memorials and representations to the Imperial Government.

But the greatest step was taken by the Kirk towards obtaining a share of the Reserves, by the formation of the Synod of the Presbyterian Church of Canada in Connection with the Church of Scotland. In 1831 the United Synod of Upper Canada applied to Lord Murray for aid. Murray recommended that all Presbyterians should unite, and then he would be better able to help.(12)

As a result of this letter, the ministers and elders of the congregations in connection with the Church of Scotland met at Kingston on June 7, 1831. At this time the matter of union was discussed, and it was decided that the best thing to do, was to form a Synod in connection with the Church of Scotland.(13) This was done, and the Synod applied to the General Assembly of the Kirk for recognition.(14) The Synod was to be composed of four presbyteries: Quebec, Bathurst, Glengarry and York.(15) The Quebec Presbytery, in which we are particularly interested, included

11. Christie, Hist. of Lower Canada, vol. iii, pp. 320-338.

12. Murray to Colborne, Aug. 1, 1830  
P.A.C., G 66, p. 226.

Minutes of Synod, Kingston, June 11, 1831, p. 13.

13. Ibid., June 7, 1831, p. 4.

14. Ibid., June 13, 1831, p. 15.

15. Ibid., June 9, 1831, p. 10.



all of Lower Canada. The Presbytery's first roll contained the names of six ministers and four elders, representing four churches.(16)

The Synod had recommended at its first meeting, that the Presbytery of Quebec should petition the Crown, praying for aid for the Kirk in Lower Canada.(17) This advice was followed at the first meeting of Presbytery at Montreal on August 12, 1831. A

committee, with Dr. Harkness as convenor, was appointed to draw up a memorial to the King and the Governor-in-Chief.(18) The committee fulfilled its duty, and during the summer of 1832, the following reply was received from Goderich:

"My Lord: I have the honor to acknowledge the receipt of your Lordship's despatch of the 9th January last, transmitting a Petition from the Ministers and Ruling elders of the Presbytery of Quebec in connection with the Synod of the Presbyterian Church of Scotland, praying to be admitted to a participation, with the Established Church, in the benefits arising from the Clergy Reserves in Lower Canada.

I have received His Majesty's Commands to desire that your L'ship will acquaint the Petitioners that, in the present unsettled state of the general question relating to those lands you are not authorized to do more than assure them that H. M. feels every disposition to give the most favourable consideration to their wishes as soon as circumstances may bring that question to a practical result. His Majesty strongly feels the claim which the Presbyterian Church of Lower Canada has upon His Majesty's support and encouragement."(19)

Thus, although their rights to government aid were admitted, the Presbyterians in Lower Canada received nothing to aid them in supporting their ministers.

In 1831 a census of Lower Canada was taken. According to the figures obtained, there were 34,660 Episcopalians, 15,069 Scotch Presbyterians and 6,651 Presbyterians and Congregationalists.(20) This indicated that the Church of England had a majority of 19,551 over the Church of Scotland, and a majority of 12,880 over all the Presbyterians. To furnish the members of the Church of England with religious instruction, there were fifty-three churches under the guidance of forty-four clergymen.(21)

16. Minute Book, Presbytery of Quebec, Aug. 10, 1831, p. 1.  
They were as follows:

Moderator,	Rev. James Harkness, D.D.
Clerk,	" Henry Esson,
	" Edward Black,
	" Alexander Mathieson,
	" John Clugston,
	" James Somerville, D.D.,
Elders	Messrs. James Leslie,
	James Fleming
	James Ross,
	C. Campbell.

17. Minutes of Synod, June 9, 1831, p. 10.

18. Minute Book, Presbytery of Quebec, Aug. 12, 1831, p. 17.

Petition of the Presbytery of Quebec to the King,  
Aug. 12, 1831, P.A.C., Q 201-1, p. 20.

19. Goderich to Aylmer, April 3, 1832,  
P.A.C., G 24-1, p. 254.

20. Table of the Protestant Population, Census of 1831,  
P.A.C., Q 235-1, p. 44.

21. Mountain, G., Canadian Church Destitution, p. 11.

Of these clergy, twenty-seven were missionaries of the Society for the Propagation of the Gospel, and received their stipends from that body.(22)

In the same year the British Government made its first great effort to abolish the Clergy Reserves. Ever since 1827 a part of the Reserves had been sold each year. There was, however, no great demand for them, and by 1831 the total net amount received from sales of the Reserves in Lower Canada, amounted to only £574/11/8.(23) This money was paid into the Military Chest, from which it was sent to England, and invested in 3% Consols by the Lords of the Treasury.(24) The dividends obtained from this investment rested in the hands of the Commissariat Department, from which it could be drawn by the governors for the support of the clergy.(25)

As mentioned above, Goderich decided that if the Legislature of Lower Canada would grant a permanent Civil List, the stipends of the clergy could be paid from the Casual and Territorial Revenue. Apparently this was objected to, and Goderich therefore instructed Aylmer to ascertain whether there was any other surplus revenue from which the necessary funds could be appropriated. (26)

On the same day on which this dispatch was written, Goderich sent another dealing with the subject of Clergy Reserves. He explained that it was his wish to have the Reserves revert to the Crown. All leases hitherto granted by the Clergy Corporation were to remain as valid, but the rents in future would be paid to the officers in charge of the Crown Lands. The revenues for these lands would then come under the head of Territorial Revenues. According to the Canada Act, all legislation concerning the Reserves had to be originated in the Provincial Legislatures, and receive the assent of both houses of Imperial Parliament. To accomplish this end, Goderich forwarded a draft of an address to the Assembly, asking them to legislate on the

22. Report of the S.P.G.,1831,  
Extract printed in:Sums expended for the S.P.G.,1831,  
Imperial Paper No.432,P.A.C.,PF 66.
23. Abstract of Minutes of the Treasury,Aug.9,1831,  
P.A.C.,Q 199,p.145.
24. Stewart to Hay,March 26,1831,  
Ibid.,p.115.
25. Goderich to Aylmer,Oct.1831,  
P.A.C.,G 23,p.102.  
The financial side of the Colonial Department was  
largely dealt with through military channels as the  
Departments of Colonies and War were under the same  
secretary.
26. Goderich to Aylmer,Nov.21,1831,  
Ibid.,p.202.

matter. A draft of a bill was also forwarded, and concerning it Goderich stated that:

" without intending to fetter the discretion of the Law Officers of your Government I must express my wish that the Bill might be introduced in terms corresponding as closely as possible with those of the accompanying draft."

Aylmer was also instructed to ask the Clergy Corporation to refrain from making any leases of Reserves after the introduction of the bill to the Assembly. If the corporation refused to follow Aylmer's wishes, he was to instruct the Attorney-General to investigate the validity of the corporation's charter. "I apprehend," wrote Goderich "that the result must be to ascertain that it is void in points of strict law." (27)

On February 2, 1832, the message, suggested by Goderich, was sent to the Assembly. It stated that owing to the fact that the people did not approve of the Reserves, His Majesty had decided to follow their wishes by having the Assembly re-invest the Reserves in the Crown. He did this the more readily in that he had found that it might "be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland." His Majesty hoped that, in the near future, he would be able to make suitable provision for the clergy of those churches, without drawing on the almost valueless Reserves. The House was, therefore, invited to bring in a bill on the question.(28)

The House resolved to allow the Solicitor-General to introduce a bill in accord with the Royal wishes. This was done, and on February 13th the bill received its second reading. At this time, while the House was in a committee of the whole, it was stated that not one word of the bill could be altered. This was in reality contrary to Goderich's despatch, and it roused the ire of the members of the

27. Goderich to Aylmer, Nov. 21, 1831,  
Ibid., p. 241.

28. Jour., H. of A., Feb. 2, 1832, p. 364.

Assembly. The bill was sent to a select committee of the House, (29) which, in four days, recommended that further discussion of the bill should be deferred until the following session. (30) This was done, and "the bill fell through".

Following this, efforts to sell the Clergy Reserves were re-doubled. In the spring of 1832, Viscount Howick wrote Galt that the British American Land Company could buy not more than 100,000 acres of land each year from the Clergy Corporation. It was also to be understood that part of the public works to be constructed by the Company, was the erection of parsonages and the clearing of glebe lands. (31)

During this period, the General Assembly of the Kirk had been making representations to the Government on behalf of the Kirk in Canada. During the winter of 1831-32 Dr. Lee was in London, and he approached Goderich, requesting aid for the Kirk in the Canadas. Goderich promised £1000 to aid the Kirk ministers of Upper Canada. That was all that he could give. Some days later, Dr. Lee was in the House of Commons, and heard £16,182 voted for the work of the Society for the Propagation of the Gospel. Of the amount voted £7000 was allotted to the Canadas. But no mention was made of the Kirk. (32) This, however, was the last grant of such size made to the Society, the grant being reduced each year until in 1834, the aid to the Society ceased altogether. (33)

During the year 1832, two petitions were sent to England by the Episcopalian clergy. One petition was from the Clergy Corporation (34) and the other was from the clergy of the Diocese. Both these petitions were against the alienation of the Reserves and probably were sent as a result of Goderich's attempts at re-investment. The petition from the clergy of the Diocese made an

29. Ibid., Feb. 13, 1831, p. 436.

30. Ibid., Feb. 17, 1831, p. 460.

31. Howick to Galt, March 27, 1832,  
P.A.C., G 26-1, p. 113.

32. Lee to Burns, April 5, 1832,  
P.A.O., Glasgow Col. Soc. Corr.

33. Infra., p. 137.

34. Goderich to Aylmer, Nov. 4, 1832,  
P.A.C.G 25, p. 102.

Memorial of the Clergy Corporation of Lower Canada, 1832,  
P.A.C., Q 205-3, p. 535.



attack on the Church of Scotland. The Kirk was accused of attempting to unite all the dissenters against the Church of England. But then, as it appeared that the Kirk was the only body which would obtain aid, the dissenters were turning against her. If justice were done, the Reserves would be left in the hands of the Church of England.(35)

To answer the statements of the Episcopalians, a memorial was prepared by the Presbytery of Quebec. All the grounds for the equal establishment of the Kirk with the Church of England were recounted, and aid was requested. (36) To this memorial reply was made in the same tenour as that which had been received in the spring of the year.(37) This did not satisfy the Presbytery, and another memorial was prepared. (38) On November 3rd it was ordered to be sent to the governor,(39) but no reply appears to have been made to it.

During the autumn of 1832, the Imperial Government finally made such provision for the clergy support as to enable it to be removed from the Military Extraordinaries. Instead of the money for clergy stipends coming from the funds of the Department of Colonies and War, the necessary amount was to be voted annually by Parliament.(40) By the end of the year 1832 the sum of money obtained from the sale of the Reserves, and invested in Consols, amounted to 1383/15 with an annual revenue of ~~£~~20/15. (41)

Up to this time, except for ~~£~~100, the Kirk in Lower Canada had received no aid from the Government. Because of their need the Presbytery of Quebec memorialized the Synod. It was requested that the Synod would exert all the influence it could, to obtain aid for the clergy of Lower Canada. (42) On October 18, 1833 a reply was received from the Synod. It was recommended that the Presbytery should again, itself, petition the Crown for aid.(43) This was done, and the petition was sent to the Governor-in-Chief on

35. Petition of the Bishop and Clergy of the Diocese of Quebec to the House of Lords, 1832, ibid., p. 553.
36. Memorial of the Presbytery of Quebec to the King, Jan. 9, 1832, Minute Book, Presbytery of Quebec, Appendix.
37. Craig to Harkness, July 20, 1832, Ibid., p. 35.
38. Ibid., Oct. 31, 1832, p. 38.
39. Ibid., Nov. 3, 1832, p. 46.
40. Goderich to Aylmer, Nov. 18, 1832, P.A.C., G25, p. 141.
41. Stewart to Hay, Mar. 15, 1833, P.A.C., Q 210-1, p. 159.
42. Minute Book, Presbytery of Quebec, July 26, 1833, p. 65.
43. Ibid., Oct. 18, 1833.

December 24, 1833. (44) No answer appears to have been made to this petition.

In the same year the British House of Commons addressed the Crown requesting information on the numerical strength of the Churches of England, Scotland and Rome, the ranks of the clergy, and the amounts paid to them from the grant of Parliament. (45) Dr. Harkness, in his reply on behalf of the Presbytery of Quebec, stated that only two clergy received any aid. These were the ministers of Montreal and Quebec, who received £50 each, from the Military Extraordinaries, for chaplain service. (46)

By the summer of 1834, the sum of money invested for the Clergy Corporation of Lower Canada amounted to £4,601/2/9. (47) The balance in the hands of the Corporation for the year ending June 1, 1834 was £190/12/4½. (48) During the year 1834, 43271.1.3½ acres of Reserves were sold for £1076/15/8, of which only £272/10/7 were received at the time of sale. (49)

The year 1834, also saw the last grants made to the Society for the Propagation of the Gospel by Parliament. For two years, the grants made, had been gradually reduced, until in 1834 only £4000 was given. (50) In 1833, Colborne, Lieutenant Governor of Upper Canada, had succeeded in securing the support of the Church of England clergy of Upper Canada from the Crown Revenues. (51) Thus, it was decided to give no more money to the Society for the Propagation of the Gospel, and the entire burden of supporting the Missionaries in Lower Canada was to devolve upon that Society. (52) The Society's grant to the clergy of the Province amounting to £3415, involved a reduction in individual stipends of about 25%. (53) Unavailing protests were made against this by the Church of England clergy. (54)

44. Petition of the Presbyterians of Quebec to the King, Dec. 24, 1833, P.A.C., Q 219-2, p. 399.
45. Copy of the Address of the Imperial House of Commons, 1833, Miscel. Records, St. Andrew's Church, Quebec.
46. Harkness to Craig, Dec. 3, 1833, *ibid.*
47. Hay to Stewart, May 13, 1834, P.A.C., Q 218, p. 162.
48. Statement of the Accounts of the Clergy Corporation of Lower Canada, June 1, 1834, P.A.C., Q 216-2, p. 613.
49. Statement of the Clergy Reserves sold, Jan. 1 to Dec. 31, 1834, Lower Canada, P.A.C., Q 217-1, p. 299.
50. An Appeal on Behalf of the Missions in Canada, Bedford, Second Edition, 1834, pp. 5-6.
51. Campbell to \_\_\_\_\_, April 19, 1833, P.A.C., Q 210-2, p. 242.  
Stewart to Hay, May 15, 1834, P.A.C., Q 218, p. 156.
52. Rice to Aylmer, Aug. 6, 1834, P.A.C., G 28-1, p. 22.
53. Revs. Abbott and Leeds to His Majesty's Commission of Enquiry, 1836, P.A.C., Q 229-1, pp. 8-11.
54. Leeds to Rice, Sept. 25, 1834, P.A.C., Q 220-2, p. 264

Apparently protests were also being made against the sale of the Clergy Reserves. We find Aberdeen, on January 3, 1835, writing Aylmer that the Commissioner of Crown Lands was perfectly right in selling the Reserves. Aberdeen also let it be understood that he would not permit the proceeds of these sales to be turned over to the Clergy Corporation. He explained that the only Revenue of the Reserves was the £200 interest from the invested money, and the rents of land. The latter were in the hands of the Corporation. Moreover, no rectories or parsonages would be created and endowed, as there were insurmountable difficulties to overcome before this could be done.(55)

In February of 1835, the Commission of Synod of the Kirk met at Glengarry, U.C. . Petitions to the King, Governor, General Assembly of the Kirk, and British American Land Company were all prepared. These petitions asked for aid in supporting the clergy of the Kirk.(56) The one to the King prayed that £100 per annum might be granted to all Church of Scotland ministers in the Canadas.(57)

Meanwhile, politically, matters in Lower Canada had become rather tangled. Both the liberal and conservative parties were petitioning the British House of Commons, putting forward their own views in regard to the government of the Provinces. The grievances of both parties were brought before the House, and as a result, a commission was appointed to go to Lower Canada and investigate the complaints. On July 23, 1835 it was announced in Quebec, that Earl Gosford had been appointed Governor-in-Chief and Lord High Commissioner. On August 23rd he landed in Quebec with Sir Charles Edward Grey and Sir George Gipps, the two other members of the commission.(58)

55. Aberdeen to Aylmer, Jan. 3, 1835,  
P.A.C., G 29, p. 56.

56. Minutes of Synod, Williamstown, Sept. 21, 1835, p. 89.

57. Clugston to Burns, Feb. 24, 1835,  
P.A.O., Glasgow Col. Soc. Corr.

58. Christie, op. cit., vol. iv, 1853, pp. 77-101.

Three weeks later the Synod of the Kirk decided to send a petition to the Commission,(59) and on November 7th, the Presbytery of Quebec followed the Synod's example.(60) But no attention seems to have been paid to either petition.

At the opening of the session of the Legislature in the autumn, Gosford sent down to the Assembly, Eoderich's bill for re-investing the Reserves in the Crown. He expressed his regret that the bill had not been passed two years before, but hoped that the Assembly would pass it during the present session.(61)

In opposition to this message, Archdeacon Mountain who was in England at the time, wrote to Glenelg, the new Secretary for the Colonies. Mountain stated that if the Church of England had more financial support, it would be possible to employ effectively, many more clergy. Therefore, he hoped that if the Clergy Reserve bill passed the Provincial Legislature, and that in the event of the Reserves"being diverted from their original object, the Church will be assured of receiving an equivalent in substitution for them." (62) No such guarantees, however, were made.

Archdeacon Mountain was in England at this time, for two specific reasons. He had gone to Britain as an advocate of the rights of the Church of England, and in an endeavour to have himself appointed Suffragan to Bishop Stewart. The Bishop had suggested this as early as May 21, 1833. He proposed to support Mountain by allowing him to keep the stipends which he had received as Archdeacon and Rector of Quebec. Then, when Bishop Stewart died his stipend would go to Mountain.(63) Secretary Stanley, however, informed Bishop Stewart that at the next avoidance of the See, the government would make no further grants for the support of a Bishop of Quebec.(64) Because of this resolution, Bishop Stewart said no more until 1834.

59. Minutes of Synod, Sept. 17, 1838, p. 84.

60. Minute Book, Presbytery of Quebec, Nov. 7, 1835, p. 11.

61. Jour., H. of A., Oct. 27, 1835, p. 112.

62. Mountain to Glenelg, Oct. 21, 1835,  
P.A.C., Q 225-3, pp. 479-482.

63. Bishop of Quebec to Stanley, May 21, 1833,  
P.A.C., Q 211-2, p. 535.

64. Stanley to the Bishop of Quebec, Aug. 6, 1833,  
P.A.C., Q 225-3, p. 606.



But as he was growing old and feeble, Bishop Stewart felt the need of an assistant. Thus Archdeacon Mountain went to England in an attempt to persuade the Government to appoint and support a suffragan bishop. Glenelg, who had followed Stanley as Secretary for the Colonies, agreed to appoint a suffragan, but refused to give any grant for his support.(65) Therefore Mountain reluctantly agreed to be appointed suffragan, without any stipend from the Government.(66) Bishop Stewart had suggested that £1000 might be taken from his grant, and given to Mountain, but Glenelg refused to do this. He said that the £1000 would be a part of the Bishop's stipend, and would cease on the Bishop's death.(67) Thus, by what appears to have been a private arrangement, Bishop Mountain received as stipend, £1000 per annum from Bishop Stewart.(68)

During the spring of 1836, the question of erecting and endowing parsonages and rectories again arose. On July 5, 1831, the Bishop had made certain recommendations regarding the Reserves. He had proposed that two parishes be created in every township, and each endowed with two hundred acres of Reserves. Reservations of over 30,000 acres should also be made to support the Bishop and two Archdeacons. The rest of the Reserves could then be sold and invested for the support of the clergy, until the endowments of the rectories produced sufficient revenue for that purpose.(69) Goderich paid no attention to the Bishop's suggestion, and no further efforts were made to obtain the erection and endowment of rectories until 1836.

On March 17th of that year, the Clergy of Lower Canada presented a memorial to Gosford. In it they lamented the need of the Church of England, and asked him to create and endow parsonages and rectories in the Province.(70) Gosford refused to do this without the approval of the Colonial Department.(71) He said that it was contrary to the policy of the government.(71) His

65. Glenelg to Mountain, Dec. 26, 1835,  
Ibid., p. 495.

66. Mountain to Glenelg, Dec. 28, 1835,  
Ibid., p. 500.

67. Glenelg to Gosford, Feb. 3, 1836,  
P.A.C., G 31-1, p. 86.

68. Roe, The Diocese of Quebec, p. 28.

69. Bishop of Quebec to Goderich, July 5, 1831,  
P.A.C., Q 200-2, p. 246.

70. Memorial of the Clergy of Lower Canada to Gosford,  
Mar. 17, 1836, P.A.C., Q 227-3, p. 629.

71. Walcott to the Bishop of Quebec, May 12, 1836,  
Ibid., p. 631.

decision was confirmed by Glenelg, who stated that the Government would not erect any parsonages or rectories at that time.(72) Despite Gosford's refusal, the Clergy Corporation of Lower Canada also petitioned him to erect and endow rectories.(73) Gosford, however, does not appear to have even replied to this request.

While the Church of England had been taking steps to maintain control of the Reserves, the Kirk had not been inactive. On January 6, 1836, the Presbytery of Quebec resolved that, if it were necessary, it would petition the House of Assembly and the Government concerning the Clergy Reserve Bill at that time before the Legislature.

(74) Thus we find that, on March 16th, the Presbytery petitioned Lord Gosford to grant them £500 as had been proposed by Goderich in 1831.(75) This petition was followed by another to the Royal Commission from the Presbytery.(76) They both recapitulated all the grounds of the Kirk's claims, and asked for equal support with the Church of England.

During the year 1836, the General Assembly of the Kirk had also been taking steps to aid the Presbyterians in Canada. Dr. MacFarlane of Glasgow wrote a long letter to Glenelg, putting forward the needs of the clergy of the Kirk in the Canadas. To support the Kirk's demands for equal establishment with the Church of England in the Canadas, he quoted the Foreign Part Act (1826), the East India Act(1834) and the South Australia Act (1835). All of these acts gave the Kirk equal establishment with the Church of England in the colonies.(77)

Then too, on May 30, 1836, the General Assembly re-organized the standing committee on Colonial Churches. Its powers were increased, and it was thus given a new lease of life. This committee took up much of the work of the Glasgow Colonial Society.

72. Glenelg to Gosford, July 6, 1836,  
Ibid., p. 627.  
On January 5th, preceding, Colborne had created and  
endowed forty four rectories in Upper Canada.
73. Clergy Corporation of Lower Canada to Gosford, July 8, 1836,  
P.A.C., Q 235-1, p. 41.
74. Minute Book, Presbytery of Quebec, Jan. 6, 1836, p. 21.
75. Ibid., Mar. 16, 1836, p. 26.
76. Ibid., Aug. 16, 1836, p. 38.  
P.A.C., Q 235-1, p. 153.
77. MacFarlane to Glenelg, (1836)  
P.A.C., Q 230-3, pp. 545-549.

But in order that the Colonial Society should not disappear immediately, the two organizations co-operated.(78) The receipts of the Society gradually decreased from that time on until 1840, when the two bodies were united and formed the General Assembly's Committee on Colonial Churches.(79)

In the meantime the Commission of Investigation of Grievances had completed its work, and had left Canada by February 1837. The main thing of interest in the findings of the Commission is one of Gosford's letters to Glenelg, in which he laments the two churches differences in the colonies. He had informed the Church of Scotland that their rights had been recognized. But this did not satisfy them, as they wanted a part of the Reserves. Gosford believed that the Kirk had full rights to a share in the Reserves, yet, at the same time, he felt that the lands should be divided among all Protestants. He stated also that the Reserves were worth little.(80) We find, however, that during the year 1836, by sale, they brought in £2560 to be invested at 3%.(81) The total amount thus invested by March 8, 1837 amounted to £5689/1/11. (82)

During the year 1836 the Presbytery of Quebec decided to make another attempt to obtain aid from the British Government. For this purpose they appointed the Rev. Edward Black as the Presbytery's agent in London.(83) When Black arrived in England in February of 1837, he immediately requested an interview with Glenelg. (84) With the letter containing the request for the interview, a memorial was enclosed. In it was shown the need of the Kirk for aid, and it was asked that aid should be granted equivalent to the salary of the Bishop of Quebec, and the endowment of Colborne's Rectories.(85)

78. Extract from the Minutes of the General Assembly's Colonial Committee, Aug. 11, 1836, P.A.O., Glasgow Col. Soc. Corr  
Report of the Financial Sub-Committee of the General Assembly's Colonial Committee on the Glasgow Colonial Society, 1840, ibid.
79. Extract from the Minutes of the General Assembly's Colonial Committee, April 15, 1840, ibid.
80. Gosford to Glenelg, Jan. 31, 1837,  
P.A.C., Q 235-1, pp. 2-15.
81. Spearman to Stephen, April 25, 1837,  
P.A.C., Q 240-2, p. 246.
82. Amount of Stock in Public Funds on Account of the Clergy Reserves, Mar. 8, 1837, P.A.C., Q 241-3, p. 687.
83. Minute Book, Presbytery of Quebec, June 23, 1836, p. 33.
84. Black to Glenelg, Feb. 8, 1837,  
P.A.C., Q 241-3, p. 688
85. Memorial of the Rev. Edward Black, Feb. 8, 1837,  
Ibid., p. 683.

The interview was granted and in it Black laid all the grievances of the Kirk before the Secretary. He pointed out the favourable treatment accorded to the Church of England. Then in contrast he recapitulated all the unfulfilled promises made to the Kirk. He stated that the Presbyterians formed the most numerous body in the Province. The ministers of the Kirk were doing as much as those of the Church of England for the spiritual welfare of the country. Yet the Kirk received from the government only £100 amongst fourteen ministers, and this grant would cease on the death of Drs. Harkness and Somerville. (86)

On February 20th, Black, who had received no communication from the Colonial Department since his interview, wrote requesting a favourable answer to his requests for aid. Otherwise he would carry the question to the King-in-Council. (87) Two days later he followed this with another letter asking for a grant of £100 to each minister of the Kirk in the Canadas. To this he received no reply. (88)

At last, on March 25th, in reply to a letter sent by him on the previous day, (89) Black received the long awaited letter. He was informed that the grants to the Church of England were only temporary, and would cease on the resignation or death of the incumbents. He was also encouraged by the statement that:

"His Majesty's Government sees no reason to doubt that the claims of the Scotch is warranted by the terms of the Act appropriating these Reserves."

He was assured that if the revenues or the Reserves increased to any extent, aid would be given to the Kirk. (90)

On receipt of this letter, Black wrote again. He said that something was wrong when the Government had too little money to aid the Kirk, and yet £3000 could be granted annually to the Episcopalian Bishop, £1000 to the Roman Catholic Bishop, and £650 to the Archdeacon of Quebec. All these amounts had been promised in 1831

86. Black to Glenelg, n.d.,  
Ibid., p. 689.

87. Black to Grey, Feb. 20, 1837,  
Ibid., p. 702.

88. Black to Grey, Feb. 22, 1837,  
Ibid., p. 704.

89. Black to Grey, March 24, 1837,  
Ibid., p. 706.

90.        to Black, March 25, 1837,  
Ibid., p. 697.



when the Kirk also had been promised £500. Since that time a considerable sum of money had been realized from the sale of the Reserves. If there was nothing to show for it there was gross mismanagement somewhere. Moreover, in such a time of governmental poverty fifty seven rectories had been created and endowed in Upper Canada. He warned Glenelg that the Scots in Canada would not stand for such unfair treatment much longer.(91)

For a month there was silence, and Black then received another letter. He was informed that the Colonial Department had only just succeeded in finding Bathurst's promise of 1825. This had never been fulfilled because the government had insufficient money. The promise had only been provisional if there was any surplus funds. Then in connection with the so-called promise of 1830, there was also an explanation. The amounts which Goderich had proposed to place on the Casual and Territorial Revenue, all except the £500 for the Kirk, had been granted previously. Therefore, when the Assembly had not voted the Civil List, all the other amounts had been paid as usual, but the new amount to the Kirk was omitted. As for the Rectories, the legality of their erection was being investigated at the time by the Law Officers of the Crown.(92)

At last on June 2, 1837 Black received word that Glenelg had ascertained that there was a small surplus revenue from the Revenues. From that surplus £500 was ordered to be paid to the Church of Scotland ministers of Lower Canada. This grant, however, was not permanent as that portion of the Canada Act dealing with the Clergy Reserves was liable to revision at any time.(93) For this grant, Black was duly grateful, but he wished that the Government would grant to each minister £100 per annum from the revenues of the British American Land Company. (94) This, however, was impossible, as all

91. Black to Grey, Mar. 30, 1837,  
Ibid., p. 708.

92.      to Black, April 24, 1837,  
Ibid., p. 713.

93.      to Black, June 2, (1837),  
Ibid., p. 720.

94. Black to Grey, June 14, 1837,  
Ibid., p. 722.

revenues from that source were needed to defray the expenses of the civil establishment. (95) But the grant of £500 meant that the Kirk in the Canadas had taken its first step towards government support equal to that given to the Church of England.

In his mission, Black was materially helped by the Hon. Edward Ellice, Seigneur of Beauharnois (96) and the General Assembly's Committee on Colonial Churches. The Committee sent a petition to Glenelg in which was emphasized the need of the Kirk in all the colonies. It was stated that the Kirk was experiencing the same trouble in Jamaica, Grenada, Tobago and Van Diemen's Land as in the Canadas. (97) No satisfactory answer was returned by the Colonial Department. (98)

While Black was in London, another agent was appointed by the Presbytery of Quebec. This time it was Dr. Mathieson of St. Andrew's Church, Montreal. His efforts were mainly concerned with education, and the question of the Kirk's legal status. But he also asked that aid should be granted to the Kirk. (99)

During the time that the Kirk was striving to obtain some government support, the Church of England had also been active. On May 17, 1837 a request was made that the Colonial Department would grant £600 annually, from the revenues of the Clergy Reserves of Lower Canada. This amount was to aid in supporting six new clergymen in the Province. The Society for the Propagation of the Gospel promised a similar amount. (1) But the Government's attitude to further grants to the Church of England seems to have been rather unfavourable. On August 7, 1837, Glenelg stated that nothing more could be done regarding the support of the clergy of the Church of England, until the provincial Legislature had passed Goderich's bill of 1831. (2) At the same time he instructed Gosford to endeavour to obtain a settlement of the knotty problem of clergy support, as soon as possible. The question was

95. \_\_\_\_\_ to Black, June 27, (1837),  
Ibid., p.725.
96. Minute Book, Presbytery of Quebec, Sept. 18, 1837, p.100.
97. Memorial of the General Assembly's Committee on Colonial Churches, April 22, 1837, P.A.C., Q 241-3, p.643.
98. \_\_\_\_\_ to MacFarlane, May 31, 1837,  
Ibid., p.654.
99. Mathieson to Glenelg, Aug. 5, 1837,  
Ibid., p.739.
1. Campbell to Stephen, May 17, 1837,  
P.A.C., Q 241-2, p.426.
2. Glenelg to Bettridge, Aug. 7, 1837,  
P.A.O., Strachan Papers.

only causing more trouble than it warranted, and if it could be settled in the Canadas, a solution might be found for the same trouble in New South Wales.(3)

If Glenelg had hoped that the grant of £500 would silence the clergy of the Kirk in Lower Canada, he was sadly mistaken. At the September meeting of the Presbytery of Quebec, the £500 was divided amongst the thirteen ministers of the Presbytery.(4) On the same day a committee was appointed to draw up, and send another memorial to Glenelg, requesting him to fulfill the promise made by Bathurst in 1825, until the Clergy Reserves were available. This memorial was to be sent to Dr. Mathieson to forward to the Secretary of State.(5) The committee did as it was instructed but no reply was received.

The year 1837 saw the outbreak and end of the "Rebellion." Though it affected the efforts of the Kirk very little, yet some advantage was taken of it. In fact some of the members of the Kirk seem to have been rather favourable to the rebels, because of the Kirk's disabilities. It might also be remembered that William Lyon Mackenzie was one of the charter members of St. Andrew's Scotch Church, York. On October 10, 1837 the Rev. Alexander McGill of Niagara, wrote Dr. Burns of Paisely. In his letter, which was somewhat sympathetic to the rebels, he stated that, if the British Government continued to support the exclusive claims of the Church of England, the Scotch would be forced into the republican camp.(6)

In the same year, there appeared a small pamphlet entitled "To Scotchmen in the Colonies and at Home." It consisted of a tirade against the Church of England, and the "family compact." After reciting all the reasons for the Kirk's equality with the Church of England, the writer states that the descendants of the covenanters should

3. Glenelg to Gosfrod, Sept. 7, 1837,  
P.A.C., G 36, p. 15.

4. Minute Book, Presbytery of Quebec, Sept. 18, 1837, p. 101.

5. Ibid.

Presbytery of Quebec to Glenelg, n.d.,  
P.A.C., Q 253-3, p. 713.

6. McGill to Burns, Oct. 10, 1837,  
P.A.O., Glasgow Col. Soc. Corr.

not "tamely sit down, the Ecclesiastical serfs of England."(7)

On November 18th, the General Assembly's committee petitioned Glenelg for aid for the clergy of Upper and Lower Canada.(8) The only reply received to this was, that Glenelg was doing his utmost to untie the knotty question of clergy support. When he had succeeded, it might be possible for him to give them some aid.(9)

On July 10th of this year (1838) occurred the death of the Rev. C. J. Stewart, Bishop of Quebec.(10) This left Bishop Mountain as the diocesan, but without an annual Government grant. The £1000 which he had been receiving each year, ceased on the death of Bishop Stewart. Because of this, representations were made to the Colonial Department. It was requested that the diocese should be divided and that the Government should grant £1000 per annum to the Bishop of Montreal.(11) Both requests were acceded to with certain qualifications. The Colonial Department agreed to the division of the diocese, but the diocesan of the new diocese would receive no financial aid from the Government.(12) The annual grant of £1000 was also made, but it was understood that the grant was only temporary.(13)

Cartwright, who had been instrumental in obtaining these concessions from the Government, also made effort to obtain aid for the Church of England in the Canadas. In a letter, dated January 27, 1838, he stated that His Majesty had the right to erect and endow parishes with all the Clergy Reserves if he saw fit to do so. If this were done, what action could the Kirk take? Thus it was obvious, he declared, that the Canada Act meant that the Church of England only, was to control the Clergy Reserves.(14) To this letter he received the following reply:

"I am to state that Lord G. had no reason to dissent from the opinion of the Law Officers of the Crown in 1819, or of the Committee of the H. of C. on the affairs of Lower Canada in 1828."

7. To Scotchmen, In the Colonies and at Home, 1837,  
P.A.C., Q 241-3, p.758.
8. Memorial of the General Assembly's Committee on  
Colonial Churches, (Nov.18, 1837), ibid., p.677.
9. \_\_\_\_\_ to MacFarlane, Dec.21, 1837,  
Ibid., p.680.
10. Christie, Hist. of Lower Canada, vol.iv, p.411.
11. Cartwright to Glenelg, Jan.15, 1838,  
P.A.C., Q 253-3, p.608.
12. Bettridge to Strachan, Feb.1, 1838,  
P.A.O., Strachan Papers.  
Glenelg to Colborne, Nov.18, 1838,  
P.A.C., G 41, p.105.
13. Archbishop of Canterbury to Glenelg, Jan.27, 1838,  
P.A.C., Q 253-3, p.599.
14. Cartwright to Glenelg, Jan.27, 1838,  
Ibid., p.627.
15. \_\_\_\_\_ to Cartwright, Feb.15, 1838,  
Ibid., p.641.



On the same day in which Cartwright received this communication, he addressed another letter to the Colonial Department. In this letter he stated that the Act. 3I Geo. III, c. 3I, s. 41, gave the local legislatures the power to alter only the boundaries of the parishes or the mode of their erection. The legislatures could not touch the right of the Church of England to one-seventh of the Land. (16) No reply, was made to this letter.

During the winter of 1837, Glenelg received a memorial from the Bishop of Montreal. This memorial objected to the Kirk's receiving anything from the revenues of the Clergy Reserves, and asserted that most of Mr. Black's statements were false. In order to show the true strength of the Church of England in Lower Canada, an investigation was requested. (17) On March 12, 1838 Glenelg replied. He stated that he would enter into no more discussions on the subject of the Reserves. The Government intended to continue the annual grant from the Revenue of the Reserves, and there would be no investigation. Glenelg made it quite clear that he would be a partisan of neither party. (18)

Meanwhile, as a result of the Rebellion, a commission of enquiry was appointed to investigate the cause of the troubles. On May 27th, 1838, Earl Durham landed at Quebec. (19) As High Commissioner of the investigation, he received a number of petitions and memorials relating to the ecclesiastical situation.

One of the first of these came from St. Andrew's Church Quebec. It stated that when Dr. Harkness died in 1835, the £50 granted to him by the Government ceased. This had been accepted without a murmur by the congregation, until they heard that Bishop Mountain had been granted £1000 per annum after the decease of Bishop Stewart. Since exceptions were being made in the general rule that all grants to incumbents of ecclesiastical benefices ceased on the death or

16. Cartwright to Grey, Feb. 15, 1838,  
Ibid., p. 644.

17. Bishop of Montreal to Gosford, Oct. 24, 1837,  
P.A.C., Q 239-1, p. 205.

18. Glenelg to Colborne, Mar. 12, 1838,  
P.A.C., G 38-1, p. 257.

19. Christie, op.cit., vol. v, 1854, p. 145.

resignation of the incumbents, the congregation requested aid, equal to that given to the Bishop, for the fifteen Kirk ministers in Lower Canada.

(20) In other words £1000 instead of £500 was requested.

Durham transmitted this petition to England on July 2nd. By a letter dated August 22nd, Glenelg replied that the prayer of the petition could not be granted. The £1000 had been given to the Bishop because of the need of the diocese. The work of the diocese could not have been carried on at all without some Government aid. (21)

It was during this year (1838) that opposition to Colborne's fifty-six rectories reached its height. Opposition had commenced as early as 1836, and one of the first bodies to protest against the erection was the Kirk. On September 19th the Synod addressed a petition to the King asking him to disallow the creation of the rectories.

(22) Objection was made to them more because of the undefined powers of the incumbents, than because of their endowment.

Apparently the Kirk thought that the endowment of the Rectories might be a precedent whereby the Scotch Presbyterians could obtain aid. We find different ministers who, in writing home, term the creation of the Rectories "rash and imprudent." (23) But there does not seem to have been any great feeling against their endowment. The Kirk's equal right to the Reserves had been acknowledged. Therefore, this might be an opportunity to obtain some help.

The question of the legality of the creation of the Rectories was submitted to the Law Officers of the Crown. On June 8, 1837 they declared themselves of opinion that the Rectories were illegal.

(24) The Hon. William Morris immediately made this opinion public.

But the Church of England meanwhile had been exerting all pressure possible on the Colonial Department, to have the opinion revised. Their efforts were successful, and in 1838 the Law Officers, having reconsidered their

20. St.Andrew's Church to Glenelg,(1838),  
P.A.C.,Q 246-2,p.246.
21. Glenelg to Durham,Aug.22,1838,  
P.A.C.,G 39,p.176.
22. Minutes of Synod,Kingston,Sept.19,1836,p.115.
23. Alexander to Burns,Mar.6,1837,  
P.A.O.,Glasgow Col.Soc.Corr.
- McLean,Archibald to the Members of the Church of  
Scotland,No.Title,Toronto,Nov.7,1838.
24. Law Officers of the Crown to Glenelg,June 8,1837,  
P.A.C.,G 81,p.423.
- Morris,Hon.William,A Letter on the Subject of the  
Clergy Reserves and Rectories,addressed to the Very  
Reverend Principal MacFarlane and the Rev.Robert  
Burns,D.D.,Toronto,1838,Appendix No.2,p.xxxix.

opinion, stated that they believed the Rectories to have been erected legally.(25) This new opinion aroused the opposition of the Kirk, and meetings of protest were held all over Upper and Lower Canada. The Synod(26) and the Presbyteries(27) presented petitions to the Crown asking that the erection of the Rectories should be revoked. They deprecated the exclusive endowment of the Church of England, and the ill-defined powers which were possessed by the incumbents. It was asked that the Kirk might receive endowment equal and similar to that granted to the Church of England. Nothing, however, came of the protest and the Rectories were left as created.

During the ~~six~~ months ending December 31, 1836, no Reserves were sold in Lower Canada.(28) At this time the total sum received from the sales and invested in Consols, amounted to £ 3108<sup>5</sup>/<sub>3</sub>/<sub>7</sub>, the annual interest on which was £ 932<sup>11</sup>/<sub>1</sub>. All this interest was not being used to support Protestant clergy, for the Treasury held an unappropriated balance of £ 1554<sup>2</sup>/<sub>3</sub>. (29)

On February 11, 1839, Lord Durham's report was published. He dealt, mainly, with the Reserve question as it affected Upper Canada. He stated, however, that he believed that any action in regard to the reserves in the upper province should apply also to Lower Canada.(30) In regard to the settlement he made the following recommendation:

"It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns. And I know of no mode of doing this but by repealing all provisions in Imperial Acts that relate to the application of the Clergy Reserves and the funds arising from them, leaving the disposal of the funds to the local legislature, and acquiescing in whatever decision it may adopt." (31)

At first this recommendation was rejected, but after some fourteen years it was found that Durham's method of settling the dispute was the only one which would give any satisfaction.

25. Ibid., p.xl..

Law Officers of the Crown to Glenelg, Jan. 24, 1838,  
P.A.C., G 84, p.129.

26. Minutes of Synod, Montreal, Aug. 7, 1838, p.170.

27. Minute Book, Presbytery of Quebec, Aug. 1, 1838, p.109.

28. State of Clergy Reserves sold in Lower Canada, 1838,  
P.A.C., Q 257, p.80.

29. State of the Clergy Reserve Fund of Upper and Lower  
Canada, Sec. 1, 1838, P.A.C., Q 252-2, p.399.

30. Lucas, Sir. C. P., (edit.), Durham's Report on the Affairs  
of British North America, Oxford, 1912, vol. ii, p.140.

31. Ibid., p.179.

Two documents of interest were included in the appendix to the report. One was a memorial from the members of the Kirk in the Canadas, and the other a "Report of the Bishop of Montreal on the State of the Church within the Diocese." The Kirk in its memorial contended that the Bishop of Montreal should not receive a grant from the government. Moreover, it was stated that the grant of £500 which had been promised to the Kirk in Lower Canada, and had actually been paid in the preceding year, had been stopped. Surely if the Bishop of Montreal could be given £1000 per annum, the Government would find no very great difficulty in continuing the grant of £500 to the Kirk. (32) Apparently the memorial had some effect for before the report was published, the grant was restored. (33)

In his "Report", Bishop Mountain stated that the Church of England had 34,620 members and adherents in Lower Canada, while the Kirk had only 15,069. All dissenters numbered 37,937. He intimated that he believed the Church of England to be the Established Church. But there was no objection to the Government granting aid to the Kirk, as long as that aid was not taken from the revenues of the Reserves. (34)

On February 25th, the Presbytery of Quebec passed a resolution thanking His Majesty for the continuation of the grant of £500. It was stated, however, that more money was needed, (35) and to emphasize this statement, the Presbytery requested Dr. Cook of Quebec to draw up a petition to be sent to the British Parliament. (36) The petition was to be transmitted to all Scotch communities in which there was no minister of the Kirk, and was to be signed by all those who desired the formation of a Kirk congregation. The petition requested aid in supporting ministers in these districts. (37)

32. Durham, Earl of, Report on the Affairs of British North America, Printed by order of the House of Commons, Feb. 11, 1839, Appendix A, no. 8, p. 58.

33. Glenelg to Colborne, Jan. 1, 1839, P.A.C., G 42, p. 1.

34. Durham, Report, Appendix C, p. 59.

35. Minute Book, Presbytery of Quebec, Feb. 25, 1839, p. 118.

36. Ibid., Mar. 6, 1839, p. 123.

37. Ibid., June 5, 1839, p. 125.



Meanwhile the Kirk in Scotland was making efforts on behalf of the Synod in Canada. On March 11th, Dr. MacFarlane forwarded a petition from the Canadas to Secretary Labouchere. In this petition, request was made that part of the Reserves should be granted to the Kirk. (38)

Some days later, on March 30th, the petition was followed by a memorial from the Kirk's committee on Colonial Churches. All the grounds on which the Kirk based its claims were recited, and aid was requested. In closing, the Committee warned the Government that, though the Scotch were loyal in 1837, if they did not receive more aid, there was liable to be trouble. (39) This warning is very much like that made by others at the same time.

It was hinted, in different quarters, that unless the Kirk obtained its rights, the Scotch were ready to raise another rebellion. (40) This memorial was really the last effort made by the General Assembly of the Church of Scotland, on behalf of the Kirk in the Canadas. The struggle over the question of patronage had arisen in Scotland, and that occupied the attention of the Kirk completely.

However, this was not as serious as might be thought. It was obvious to all that there had to be a division of the Reserves, and that the dissenters were going to obtain a share. In order that the two national churches should obtain as much as possible, the Rev. A. N. Bethune, the Church of England incumbent of Cobourg, suggested that the clergy of both churches should send petitions to England. This would stop any trouble in the Canadas, and would enable the two communions to obtain more than the dissenters. (41)

But though they might gain a part of the Reserves, the Churches of England and Scotland would obtain no more grants of money from the Government. This was shown in one of the first despatches of Secretary Russell to Poulett Thomson, Durham's successor. Russell informed Thomson that the Rev. John Bethune could not be granted an increase

38. Mac Farlane to Labouchere, Mar. 11, 1839,  
P.A.C., Q 266-2, p. 300.
39. Memorial of the Church of Scotland's Committee on  
Colonial Churches, Mar. 30, 1839, ibid., pp. 330-347.
40. Gordon to Burns, Mar. 9, 1839,  
P.A.O., Glasgow Col. Soc. Corr.
41. Bethune to Strachan, May 16, 1839,  
P.A.O., Strachan Papers.

of stipend. Mr. Bethune had been refused an increase in 1832, 1834 and 1836. Russell did not feel that he could over rule the decisions of three former secretaries. (42)

The same attitude was adopted towards the Bishop of Montreal. He had suggested that he might resign the position of Archdeacon and Rector of Quebec for which he received a total salary of £990. With this money and the grant of £1000, he asked that his stipend be made £2000. The Bishop was anxious to have this done in order that he might not have the stigma attached to him of holding a plurality of positions. (43) Buller, however, pointed out that he desired to hold a plurality of salaries, without fulfilling the duties which his positions entailed. The Bishop's request was refused. (44)

During the year 1839, considerable trouble arose over the administration of the Clergy Reserves. By August 26th, £31,398/1/3 had been deposited to the credit of the Reserves in Lower Canada. The annual interest on this amounted to £941/18/10. (45) It was discovered that more of the Reserves had been sold than was permitted by the Act 7 & 8 Geo. IV, c. 62. During the year 1835, 111,277 acres were sold, and of a total acreage of 647,895 acres, since 1827, 309,554 acres had been sold and nothing could be done about it. (46)

The year 1840 saw the end of the Kirk's struggle to obtain the Government support equal to that granted to the Church of England. As the question of education was settled in 1840 by the erection of Queen's College, so in the same year the question of the Reserves and Government aid was settled by the Clergy Reserves Division Bill. This was passed by the Imperial Parliament through the efforts of the Governor-in-Chief, Poulett Thomson.

42. Russell to Thomson, Sept. 21, 1839,  
P.A.C., G 43, p. 327.
43. Bishop of Montreal to Durham, July 2, 1838,  
P.A.C., Durham Papers, vol. 1, sec. 5, p. 464.  
Buller has some very caustic and cutting comments  
on the margin of this letter.
44. Russell to Thomson, April 22, 1840,  
P.A.C., G 47-1, p. 143.
45. An Account of the total Amount of the Proceeds of the  
Clergy Reserves sold in Upper And Lower Canada and  
invested in 3% Consols, Aug. 26, 1839, P.A.C., Q 265-2, p. 394.
46. Russell to Thomson, Nov. 9, 1839,  
P.A.C., Q 260-2, p. 305.  
By the act permitting the sale of the Reserves, not  
more than 100,000 acres could be sold in one year  
and altogether not more than one quarter of the  
total acreage of the Reserves. At this time almost  
one half of the Reserves had been alienated.

Thomson took oath of office on October 18, 1839, and, after a short stay in Lower Canada, left for Toronto.(47) While there he was presented with a memorial from the Church of England clergy of Upper Canada. In the memorial it was requested the Church of England be given all the Reserves, as by the Canada Act, they were that Church's rightful possession.(48) Thomson replied that he would give the matter his closest attention, but great concessions had to be made on all sides.(49)

On January 6, 1840, Thomson informed the Legislature of Upper Canada that the Re-investing Bill, passed by them to make the Reserves revert to the Crown, had been disallowed. This was the bill suggested by Goderich in 1831. Thomson, as a result of this disallowance, asked the Legislature to pass a bill authorizing the sale of the Reserves, and the distribution of the proceeds of the sales to the Churches of England and Scotland, and other recognized Protestant denominations in the Canadas.(50) This request was entirely in accord with the recommendations made during the previous year by a committee of the House of Assembly of Upper Canada, and the bill was passed.(51)

The proposed bill, however, was not in accord with the desires of Dr. Strachan, Bishop of Toronto. On January 15th, he addressed a letter to the clergy and laity of his diocese, urging them to send petitions to England protesting against the Bill.(52) But the letter appears to have had little influence either on Thomson or the Legislature. In the Assembly the Church of England members voted 14 to 8 in favour of the Bill, and in the Council they gave an even larger majority in its favour.(53) On January 15th, the Bill was passed in the Assembly by a majority of 28 to 20, and on the 20th in the Council, by a majority of 13 to 5.(54)

According to the Bill, all Reserves yielding ~~no~~ were to be sold. The stipends of the clergy who had vested interests in the revenues, were then to be paid. The remaining amount was to be

47. Christie, op.cit., vol.v, p.301.
48. Memorial of the Clergy of Upper Canada, Dec.30, 1839, P.A.C., Q 270-1, p.93.
49. Thomson to the Clergy of Upper Canada, Ibid., p.96.
50. Thomson to the Legislative Assembly of Upper Canada, Jan.6, 1840, P.A.O., Strachan Papers.
51. Report of the House of Assembly's Committee on Clergy Reserves, April 12, 1839, p.2, P.A.C., Pamphlet 1743.
52. Strachan to the Clergy and Laity of the Diocese of Toronto, Jan.15, 1840, P.A.O., Strachan Papers.  
P.A.C., Q 270-2, p.352.
53. Thomson to Russell, Feb.5, 1840, Ibid., p.251.
54. Proposed Clergy Reserves Bill, Jan.15&20, 1840, Ibid., p.332.

divided into two equal portions. One half was to be divided between the Churches of England and Scotland on a pro rata basis, and the other half was to be distributed among all the other Protestant denominations. This bill, however, did not become law, for, though it was passed by the legislature it had, before receiving the Royal Assent, to be laid before the British Parliament. Thomson, therefore, requested Russell to leave the payments of the clergy in the Canadas on the Casual and Territorial Revenues, in case the bill was rejected by Parliament. He said, however, that he hoped it would be passed, as the majority of both the Churches of England and Scotland were in favour of it.(55)

When the Bill arrived in England it was laid before the Law Officers of the Crown, who declared the Upper Canada Legislature unable to deal with the question. An Imperial Act was the only means by which the problem could be settled. This decision may have been influenced by the fact that the Bill was contrary to the wishes of the Church of England party in Parliament. When the Law Officers opinion was made known, the Archbishop of Canterbury, submitted another bill. By it, the creation of the rectories was confirmed, and all clergy stipends were guaranteed. The balance remaining after this had been done was to be divided into two parts. One half was to be given to the Churches of England and Scotland on a ratio of 2 to 1, and the other half was to be distributed amongst the other Protestant denominations. Thus the Church of England would always receive twice as much as the Kirk. A fixed ratio such as this was obviously unfair, but Peel said that it was the only bill that would be acceptable to the House.(56) Therefore, the Kirk had to be satisfied.

Up to this time the Clergy Reserve Bill had referred to the Province of Upper Canada only. But, in the final debate on the Bill on July 20, 1840,

"Sir J. Graham said that he wished to know from the noble Lord

55. Thomson to Russell, Jan. 22, 1840,  
P.A.C., Q 270-1, p. 127.

56. Peel to Strachan, July 7, 1840,  
P.A.O., Strachan Papers.



whether he had any objection to include in this measure the sales of the Clergy Reserves in the Lower Province.

Lord John Russell observed that one reason for the non-insertion of the clergy reserves in Lower Canada was that there had not been that source of disputes and of dissension that there had been in the Upper Province. A bill too had been passed for this purpose in the Upper Province and it had not been a matter of dissension in the Lower Province. He did not state this as a reason for not including the clergy reserves of Lower Canada; he only stated it as a reason why it was not originally introduced. Unless the thing could be done by the general concurrence he should be sorry to embarrass the bill by any such clause.

Sir Charles Grey stated that unless the Lower Province was included in the bill, there would be a repetition of the scenes that had taken place in Upper Canada on this subject.

Mr. Gladstone hoped that the noble Lord would include Lower Canada in this bill."(57)

Apparently Lower Canada, had been forgotten, or there had been a definite

**attempt** to have it kept out of the bill. This would have left the

Church of England in practical control of the Reserves in Lower Canada.

However, in accordance with the wishes expressed in the House, Lower Canada was included when the Bill became law. (3 & 4 Vict., c. 78.) (58)

The Kirk protested as vigorously as possible against the proportion of the Reserves Revenues assigned to it, but Secretary Russell(59)

refused to alter the Bill. (60) Yet in one way the Kirk succeeded

partially. It had been suggested that the United Secession Synod of Upper Canada should be included with the Church of Scotland. The Kirk's

Committee on Colonial Churches protested against this. (61) Their

protest was successful, and when the two synods united under the Kirk in 1840, the ministers of the former Secession Synod continued to receive

their usual grants, and a proportion of the money originally granted to the Protestant dissenters in the Canadas. (62)

Thus after many years of struggle, the Kirk received something approaching recognition and endowment as an established church. The settlement was not exactly according to the liking of its members, but it was the nearest approach to equal establishment with the Church of

57. Debates, H. of C., 1840, Series 3, vol. 1v, pp. 463-4.

58. Infra., Appendix No. 6.

59. Grant to Russell, July 20, 1840,  
P.A.C., Q 276-2, p. 415.

60. \_\_\_\_\_ to Grant, July 25, 1840,  
Ibid., p. 421.

61. General Assembly's Committee on Colonial Churches to  
Russell, June 1840, ibid., p. 407.

62. Russell to Sydenham, Aug. 26, 1840,  
P.A.C., G 48, p. 454.

England, to which the Kirk ever attained in the Canadas. Unfortunately for both churches, they did not long remain in the comfortable positions secured for them in 1840. After fourteen years of dispute, in which the two national churches stood together against their political and ecclesiastical opponents, the Reserves were finally alienated completely. In compensation for the loss thus sustained, the Church of England received over \$1,000,000 and the Church of Scotland \$500,000. Other denominations received like amounts.(63)

63. Gregg, Hist. of the Presbyterian Church, p. 438.

Chap. IV. THE IMPORTANCE AND EFFECTS OF THE KIRK'S STRUGGLE

In dealing with a movement in history, it is always necessary to attempt to estimate its influence on, and importance in, the course of events. Therefore in concluding this account of the Kirk's struggle to obtain equal rights and privileges in Lower Canada with the Church of England, I wish to touch briefly on the importance and effects of the struggle.

The struggle was important to the Kirk itself. Before 1819, any efforts of the Kirk to obtain privileges had been made by individual congregations. This changed after the announcement of the Clergy Corporation's exclusive control of the Reserves. Groups of churches then began making requests for government aid. It was often the "Scotch Presbyterians of Lower Canada," who drew up petitions and sent them to the Governor asking for grants of money. Individual churches, however, also made requests to meet their own individual needs.

Because of this tendency to work together, it is not surprising to find all the Kirk ministers in the Canadas meeting at Cornwall in 1828, to consider plans for laying their case before the Canada Committee. It was all a part of their efforts to obtain government financial support. Then too, in 1831 the formation of the Synod was really caused by Murray's despatch advising the union of all Presbyterians to facilitate his granting of aid. The Synod was formed in order to make it easy for the Kirk ministers in the Canadas to treat, as a body with the Secession ministers. Some of the members of the Church of England, notably Dr. Strachan, were well aware that the formation of the Synod was for the purpose of forwarding the designs of the Kirk. Thus we find that the Kirk's struggle to obtain equality with the Church of England, led to the uniting of the church of Scotland congregations in the Canadas, and the formation of the Synod.

The struggle, however, was of more importance in its effects on the general ecclesiastical situation in Lower Canada. All the non-Episcopalians who came from England were used to an Established Church of England. Therefore, they, more or less, accepted its establishment in the colony as a matter of course, and because of this made little objection to the claims of the Church of England. On the other hand, the members of the Kirk were accustomed to being in the position of an establishment in Scotland. When they found, on coming to Canada, that they were to occupy the position of dissenters they were not very pleased. They felt that they had rights to equal establishment with the Church of England. And, they were all the more anxious to maintain their position when they discovered that in occupying the position of dissenters they were under a number of civil disabilities. This led them to take action to have their right to establishment recognized.

The other denominations, when they saw the success which attended the efforts of the Kirk, considered that they had the same rights to equality. They, therefore, followed close on the heels of the Kirk, in demanding freedom from all disabilities, and participation in all government grants for clergy support. We find the Methodists, Secession Presbyterians and other bodies all making efforts to obtain equal rights and privileges with the Churches of England and Scotland.

A good example of this is found in the question of marriage. Little real effort was made by the dissenters to obtain full rights of performing civil acts until after 1826. In that year, a bill was proposed in which the rights to perform marriages were limited to the Churches of England, Scotland and Rome. This is what had been done before, with a few exceptions, but now it was to be made law. The Wesleyan Methodists protested, and in the following year obtained full

rights of registration. They were followed by the Jews, Baptists, Universalists and others. Until 1826 the Kirk had been under some disabilities concerning marriage, and as soon as these were to be removed, the dissenters demanded equal freedom.

In connection with the Reserves, much the same thing happened. When it was decided that the Kirk had a right to a share in the revenues of those lands the other denominations demanded some share also. We find contemporary members of the Church of England accusing the Kirk of causing all the trouble over the Reserves. The other denominations were willing to accept the Church of England as the established church, until the Kirk commenced its struggle for a position of equality with the Episcopalian.

But in all this, the Kirk did not act for the purpose of removing Church establishments from Canada. Two establishments were wanted instead of one, and she defended her position against the encroachments of other denominations as strongly as the Church of England had defended herself. The efforts of the Kirk were instigated considerably by selfish motives. It was not that she felt that an establishment would be a bad thing for a young country like Canada: all she wanted, was a share in government support.

From these motives the Kirk started a movement which led to the downfall of all thought of an establishment in the Canadas. She only began the movement which others were to finish. But she unconsciously took the first step towards it, and from her success in obtaining equality with the Church of England, others were emboldened to follow her example, and all attempts to have a church establishment in the Canadas came to nought.

The End.

5, Anne c 8, s. 25.

Our Sovereign Lady and the Estates of Parliament considering That by the late Act of Parliament for a treaty with England for an Union of both kingdoms, it is provided, that the Commissioners for that Treaty should not treat of, nor concerning any alteration of the worship, Discipline and Government of the Church of this Kingdom, as now by law established which Treaty being now reported to the Parliament and it being reasonable and necessary, that the true Protestant Religion as presently professed within this Kingdom, with the worship, Discipline and Government of this Church, should be effectually and unalterably secured, therefore Her Majesty, with advice and consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion and the Worship, Discipline and Government of this Church, to continue without any alteration to the people of this land in all succeeding generations; and more especially, her Majesty, with advice and consent foresaid, ratifies, approves, and forever confirms, the fifth Act of the first Parliament of King William and Queen Mary intituled, "Act ratifying the Confession of Faith and settling Presbyterian Church Government," with the haill other Acts of Parliament relating thereto in prosecution of the declaration of the Estates of this Kingdom, containing the claim of right, bearing date the eleventh of April one thousand six hundred and eighty-nine; and her Majesty with advice and consent foresaid, expressly provides and declares that the foresaid true Protestant Religion contained in the above mentioned Confession of Faith, with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and discipline, that is to say the Government of the Church by Kirk Sessions, Presbyteries Provincial Synods and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable and that the said



Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland and further, for the greater security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church as above established, her Majesty, with advice and consent foresaid, statutes and ordains that the Universities and Colleges of St. Andrews, Glasgow, Aberdeen and Edinburgh as now established by law shall continue within this kingdom forever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing office in any University, College or School within this kingdom be capable or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the Civil Government in manner prescribed or to be prescribed by the Acts of Parliament.

As also, that before or at their admission they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and that they will practise and conform themselves to the Worship presently in use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour directly or indirectly to do anything to the prejudice or subversion of the same; and that before the respective Presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be provided. And further, her Majesty, with advice foresaid, expressly declares and statutes that none of the subjects of this Kingdom shall be liable to, but all and every one of them forever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with the foresaid Protestant Religion and Presbyterian Church Government Worship and Discipline as above established; and that the same within the bound of this Church and Kingdom, shall never be imposed upon or required of them in any sort. And, lastly, that after the decease of her present Majesty (whom God long preserve), the Sovereign succeeding to her in the Royal Government of the kingdom of

Great Britain shall in all time coming, at his or her accession to the Crown, swear and subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant religion, with the Government, Worship, Discipline, Right privileges of this Church, as above established by the laws of this kingdom in prosecution of the claim of right.

And it is hereby statuted and ordained that this Act of Parliament with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any Treaty of Union to be concluded betwixt the two kingdoms, without any alterations thereof or derogation thereto in any sort forever. As also that this Act of Parliament and Settlement therein contained, shall be inserted and repeated in any Act of Parliament that shall pass, for agreeing and concluding the foresaid Treaty of Union in all time coming WHICH ARTICLES OF UNION. and act immediately above-written, her Majesty, with advice and consent foresaid statutes, enacts and ordains to be, and continue in all time coming, the sure and perpetual foundation of a compleat and entire Union of the two Kingdoms of Scotland and England, under this express condition and provision, that the approbation and ratification of the foresaid Articles and Act shall be no ways binding on this kingdom, until the said Articles and Act be ratified approven and confirmed by her Majesty, with and by the authority of the Parliament of Scotland. Declaring, nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for establishing of the Church of Scotland within the bounds of this Kingdom. As also, the said Parliament of England may extend the additions and other provisions contained

in the articles of Union, as above inserted, in favours of the subjects of Scotland, to and in favour of the subjects of England which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland. And lastly, her Majesty enacts and declares that all laws and statutes in this Kingdom, so far as they are contrary to, or inconsistent with, the terms of these Articles as above mentioned shall from and after the Union cease and become void.

## 5, Anne. c. 8. s 25

Whereas by an act made in the session of Parliament held in the third and fourth year of her Majesty's reign, whereby her Majesty was impowered to appoint commissioners, under the great seal of England, to treat with commissioners, to be authorized by the Parliament of Scotland concerning an union of the Kingdoms of England and Scotland it is provided and enacted that the Commissioners to be named in pursuance of the said act should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline or government of the church, as by law established within this realm, and whereas certain Commissioners appointed by her Majesty, in pursuance of the said act and also other commissioners nominated by her Majesty by the authority of the Parliament of Scotland, have met and agreed upon a Treaty of Union of the said Kingdoms, which treaty is now under the consideration of this present Parliament, and whereas the said Treaty, with some alterations therein made is ratified and approved by act of Parliament in Scotland, and the said act of ratification is by her Majesty's royal command laid before the Parliament of this kingdom, and whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the church of England, and the doctrine, worship and discipline and government thereof, should be effectually and unalterably secured, Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal and the commons in this present Parliament assembled, and by authority of the same, that an act made in the thirteenth year of the reign of Queen Elizabeth of famous memory, intituled, "An Act for the Ministers of the Church to be of sound religion," and also another act made in the thirteenth year of the reign of King Charles the Second intituled, "An Act for the uniformity of publick prayers and administration of sacraments and other rights and ceremonies, and for establishing the form of making, ordaining and consecration Bishops, Priests and Deacons in the church

of England" (other than such clauses in the said acts or either of them as have been repealed or altered by any subsequent act or acts of Parliament), and all and singular other acts of Parliament now in force, for the establishment and preservation of the Church of England, and the doctrine, worship, discipline and government thereof, shall remain and be in full force forever. And be it further enacted, by the authority aforesaid, that after the demise of her Majesty (whom God long preserve!) the Sovereign next succeeding to her Majesty in the royal government of the Kingdom of Great Britain, and so for ever hereafter every King or Queen succeeding and coming to the royal government of the Kingdom of Great Britain, at his or her coronation shall in the presence of all persons who shall be attending, assisting or other ways then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England and the doctrine, worship discipline and government thereof, as by law established within the kingdoms of England and Ireland the dominions of Wales and town of Berwick on Tweed and the territories thereunto belonging, And be it further enacted, by the authority aforesaid that this act, and all and every the matters and things therein contained, be, and shall for ever be, holden and adjudged to be a fundamental and essential part of any Treaty of Union to be concluded between the said two Kingdoms; and also that this act shall be inserted in express terms in any act of Parliament which shall be made for settling and ratifying any such Treaty of Union, and shall therein be declared to be an essential and fundamental part thereof.

May it, therefore, please your most Excellent Majesty, that it may be enacted and be it enacted by the Queen's most excellent Majesty, and by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by authority of the same that all and every the said Articles of Union as ratified and approved by the said Act of Parliament of Scotland aforesaid, and herein before particularly

mentioned and inserted and also the said act of Parliament of Scotland, for establishing the Protestant religion and Presbyterian Church government intituled, "An Act for securing the Protestant religion and Presbyterian Church government," and every clause, matter and thing in the said Articles and Act contained, shall be, and the said Articles and Act are hereby for ever ratified, approved and confirmed. And it is hereby further enacted, by the authority aforesaid that the said act passed in this present session of Parliament intituled, "An act for securing the church of England as by law established," and all and every matters and things therein contained, and also the said act of the Parliament of Scotland intituled, "Act for securing the Protestant religion and Presbyterian Church government," with the establishment in the said act contained be and shall forever be held and adjudged to be and observed as fundamental and essential conditions of the said Union, and shall in all times coming be taken to be, and are hereby declared to be, essential and fundamental parts of the said Articles and Union, and the said Articles of Union so as aforesaid ratified, approved and confirmed by Act of Parliament of Scotland and by this present act and the said act past in the present session of Parliament intituled, "An act for securing the Church of England as by law established," and also the said act passed in the parliament of Scotland intituled "Act for securing the Protestant Religion and Presbyterian Church government" are hereby enacted and ordained to be and continue to be in all times coming the compleat and entire Union of the two Kingdoms of England and Scotland.

Appendix No. 3.

3I. Geo. III c 3I. s. XXXVI-XLII

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

or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands, so allotted and appropriated, shall be, as nearly as the Circumstances and Nature of the Case will admit, of the Like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

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

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



Majesty before the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government, shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances or such Township or Parish.

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

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

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

Provided nevertheless, and be it further enacted by the Authority aforesaid, That whenever any Act of Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provision contained in the said Act passed in the Fourteenth Year of the reign of His present Majesty; or to vary or repeal the above-recited Provision contained in His Majesty's Royal Instructions, given on the Third Day of January, in the Year of our Lord One thousand seven hundred and seventy-five, to the said Guy Carleton Esquire, now Lord Dorchester; or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration and Provisions; or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parishes or Rectories within the said Provinces; or respecting the Presentation of Incumbents or Ministers to the same; or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same; And also that whenever any Act.

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

Appendix No. 4.

Abstract from Parliamentary Returns Shewing the sums paid to  
the Different Denominations.

	<u>Church of England</u> Lower Canada.	<u>Church of Rome,</u> Lower Canada.	<u>Church of Scotland,</u> Lower Canada.
	Imperial Grant	Imperial & Provincial grant	Imperial Grant.
1814	£150/18/6	£1050/0/0	100/0/0
1815	199/19/3	1050/0/0	100/0/0
1816	4550/18/6	1100/0/0	100/0/0
1817	4521/6/16	1100/0/0	100/0/0
1818	4540/18/6	1100/0/0	100/0/0
1819	5031/14/6	1100/0/0	99/15/0
1820	5140/18/6	1200/0/0	100/0/0
1821	5138/13/3	1108/7/1	100/0/0
1822	5140/18/6	1100/0/0	100/0/0
1823	5140/18/6	1100/0/0	100/0/0
1824	5140/18/6	1100/0/0	100/0/0
1825	5140/18/6	1100/0/0	100/0/0
1826	5390/18/6	1100/0/0	100/0/0
1827	5390/0/0	1100/0/0	100/0/0
1828	6285/18/6	1283/6/8	113/13/4
1829	5424/5/2	1100/0/0	100/0/0
1830	5990/18/6	1150/0/0	100/0/0
1831	4193/3/11	8250/0/0	75/0/0
1832	4460/18/6	1100/0/0	100/0/0

(Taken from;  
Lindsay, Charles,  
The Clergy Reserves,  
p. 38. Table No. I)

COPY of the Opinions of His Majesty's Law Officers relative to the Clergy Reserves; dated 15th November 1819.

Doctors Commons, 15th November, 1819

My Lord,

We are honoured with your Lordship's commands of the 14th September last, stating that doubts have arisen how far, under the construction of the Act passed in the 31st year of his present Majesty, (c31) the Dissenting Protestant ministers resident in Canada have a legal claim to participate in the lands by that Act directed to be reserved as a provision for the support and maintenance of the Protestant clergy.

And your Lordship is pleased to request, that we would take the same into consideration and report to your Lordship, for the information of the Prince Regent, our opinion, whether the Governor of the province is either required by the Act or would be justified in applying the produce of the reserved lands to the maintenance of any other than the Clergy of the Church of England resident in the province ; and in the event of our being of opinion that the ministers of Dissenting Protestant congregations have a concurrent claim with those of the Church of England, further desiring our opinion, whether in applying the reserved lands to the endowment of rectories and parsonages, as required by the 38th clause, it is incumbent upon His Majesty to retain a proportion in which, under such a construction, the provision is to be assigned to the different classes of dissenters established within the province.

We are of opinion, that though the provisions made by the 31st Geo. 3, c. 31, s. 36 and 42, for the support and maintenance of a Protestant clergy, are not confined solely to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland, if there are any such settled in Canada, (as appears to have been admitted in the debate upon the passing of the Act), yet that they do not extend to

Dissenting ministers, since we think the terms Protestant clergy can apply only to Protestant clergy recognized and established by law.

The 37th section, which directs "that the rents and profits of the lands, &c. shall be applicable solely to the maintenance and support of a Protestant clergy," does not specify by what authority the rents and profits are to be applied. Supposing the Governor to be duly authorized by the Act to make such application, we think that he will be justified in applying such rents and profits to the maintenance and support of clergy of the Church of Scotland, as well as those of the Church of England, but not to the support and maintenance of Dissenting Protestant congregations.

With respect to the second question, the 38th clause, "which empowers His Majesty to authorize the Governor to constitute and erect parsonages or rectories according to the establishment of the Church of England;" provides also, "that he may endow ever such parsonage or rectory with so much of the lands allotted and appropriated in respect to any land within such township or parish which shall have been granted, as the Governor, with the advice of the Executive Council, shall judge to be expedient."

Under these terms he might endow any particular parsonage or rectory with the whole lands allotted and appropriated in that township or parish.

It would be inconsistent with this discretionary power that any proportion of such lands should be absolutely retained for any other clergy than those mentioned in that clause, and we think that it is not incumbent on His Majesty so to retain any proportion of such lands.

We have the honour to be, my Lord,

Your Lordship's most obedient Humble servants,

(Signed) Christ. Robinson  
R. Gifford.  
J. S. Copley.

Earl Bathurst  
&c. &c. &c.

Appendix No. 6.

3 & 4 Vict. c. 78 ss IV-VIII.

And be it enacted, That as soon as the said Fund shall exceed the Amount of the several Stipends and Allowances aforesaid, and subject always to the prior Satisfaction and Payment of the same, the said annual Fund shall be appropriated as follows; (that is to say,) the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold or to be sold under the Authority of the before-recited Act of the Eighth Year of the Reign of King George the Fourth shall be divided into Three equal Parts, of which Two shall be appropriated to the Church of England and One to the Church of Scotland in Canada; and the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold under the authority of this Act shall be divided into six equal Parts, of which Two shall be appropriated to the Church of England and One to the Church of Scotland in Canada; Provided always, that the Amount of the before-mentioned Stipends and Allowances which shall be paid to and received by any Clergyman of either of the said Churches of England or Scotland shall be taken, as far as the same will go, as a Part of the Share accruing to each Church respectively by virtue of this Act; (that is to say,) the Stipends and Allowances to any Clergyman of the Church of Scotland as Part of the Share accruing to the said Church of Scotland, so that neither of the said Churches shall receive any further or other sum beyond such respective Stipends and Allowances until the Proportion of the said annual Fund allotted to them respectively in manner aforesaid shall exceed the annual Amount of such Stipends and Allowances.

And be it enacted, That the Share allotted and appropriated to each of the said Churches shall be expended for the Support and Maintenance of Public Worship and the Propagation of Religious Knowledge, the Share of the said Church of England being so expended under the Authority of the "Society for the Propagation of the Gospel in Foreign Parts," and the

Share of the said Church of Scotland under the Authority of a Board of Nine Commissioners, to be elected by the Synod of Synods of the Presbyterian Church of Canada in connexion with the Church of Scotland, under such regulations as shall be from Time to Time established by the Governor of Canada, with the Advice of his Executive Council

And be it enacted, That the Share of each of the said Churches shall be paid by the Receiver General or other Person appointed as aforesaid in discharge of any Warrant or Warrants which shall from Time to Time be issued by the Governor of the said Province in favour of the Treasurer or other Officer who shall be respectively appointed to receive the same by the said Society on behalf of the said Church of England, and by the said Commissioners on behalf of the said Church of Scotland.

And be it enacted, That, subject to the foregoing Provisions, the Residue of the said annual Fund shall be applied by the Governor of Canada, with the Advice of the Executive Council, for the Purposes of Public Worship and Religious Instruction in Canada.

And be it enacted, That the Receiver General, or other Person appointed as aforesaid to receive the Interest and Dividends accruing from the Investment of the Proceeds of all Clergy Reserves sold or to be sold shall, on or before the Fifteenth Day of January in every Year, deliver to the Governor a Certificate in Writing under his Hand of the net Amount which in that Year will be applicable to the several Churches of England and Scotland out of the said Fund under the Provisions of this Act; and whenever the Sum mentioned in any such Certificate to be applicable to the Church of England in Upper Canada shall be less than Seven thousand seven hundred Pounds, or the Sum mentioned in the Certificate to be applicable to the Church of Scotland in Upper Canada shall be less than One thousand five hundred and eighty Pounds, the Deficiency in each Case shall be made good out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be charged thereupon at the



Quarter Day next ensuing the Receipt of such Certificate at the Treasury; and the Lord High Treasurer, or Three or more Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, shall be authorized by their Warrant to direct the Issue of the Sum needed to supply such Deficiency in the following Manner; (that is to say) such Sum as shall be needed to supply the Deficiency of the said Sum of Seven thousand seven hundred Pounds to such Person or Persons as shall be appointed to receive the same by the Society for the Propagation of the Gospel in Foreign Parts, and such Sum shall be needed to supply the Deficiency of the said Sum of One thousand five hundred and eighty Pounds to such Persons or Person as shall be appointed to receive the same by any Writing under the Hands of any Three or more of the Commissioners under whose Authority the Share of the Church of Scotland is to be expended as aforesaid; and all Sums so paid out of the Consolidated Fund shall be severally applied, under the Authority of the Said Society and of the last-mentioned Commissioners respectively, for the Support and Maintenance of Public Worship and the Propagation of Religious Knowledge in each of the said Churches in Canada.

Bibliographical Note

In drawing up the following bibliography, I have endeavoured to classify the sources according to type. The bibliography is divided into two sections, printed and unprinted material

The first section contains four divisions. They deal with four types of sources respectively: books and pamphlets, government publications, newspapers, and articles in periodicals. The second section/ contains the list of manuscript material found in the Dominion, Provincial, Church and Presbytery Archives. In some cases the collections of manuscripts have no fixed title and therefore one has been invented with which to identify them.

In giving referance to the pamphlets and books which are somewhat rare, I have included short abbreviations at the side, indicating where each item was found. The depositories are shown as follows: (MUL) McGill University Library, (TPL) Toronto Public Library, (UTL) University of Toronto Library, (PCM) Presbyterian College, Montreal, (PAC) Public Archives of Canada. When a pamphlet is contained in the Redpath Tracts at McGill University, I have indicated that such is the case.

*A. Dunham,  
Political Interest in  
Upper Canada 1815-36  
(London 1927)*

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