

DIARY FOR OCTOBER.

1. Thursday Clerk of Municipality to deliver Collection Rolls to Collector.
3. Saturday Last day for notice of Trial for York and Peel.
4. SUNDAY 18th Sunday after Trinity.
6. Monday County Court and Surrogate Court Term begins.
10. Saturday County Court and Surrogate Court Term ends.
11. SUNDAY 19th Sunday after Trinity
12. Monday York and Peel Fall Assizes.
18. SUNDAY 20th Sunday after Trinity.
23. SUNDAY 21st Sunday after Trinity.
21. Saturday Articles, &c., to be left with Secretary of Law Society.

BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that our past due accounts have been placed in the hands of Messrs. Ardagh & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

OCTOBER, 1863.

THE UNITED CHURCH OF ENGLAND AND IRELAND
IN CANADA.

A large proportion of the people of Canada are members of the Church of England. Other denominations assert that the Church of England possesses privileges in Canada not possessed by them; while there are not wanting members of the Church of England who as sincerely assert that their Church has not equal privileges with those of other denominations.

We purpose, for the benefit of all concerned, briefly to explain the system by which the Church of England is maintained, governed and upheld in this Province.

In England the Church of England is the State Church, of which the Queen is the recognized head, and which is in other respects closely connected with the Crown. In Canada, at one time, some such connection existed.

Canada, formerly, was a French colony. In 1760 it became a British colony, by conquest. On the 10th February, 1763, the definitive treaty of peace between the Kings of Great Britain and France was concluded at Paris. The colony thereupon became subject to the rule of the British Crown, and to the legislative power of the British Parliament. At the time of the conquest, the prevailing religion of the lower or eastern part of the Province was, and still is, the Roman Catholic religion. The upper or western part of the Province was then very thinly populated.

On the 7th October, 1763, George III. issued a proclamation, by which provision was made for the govern-

ment of the Province, through a Governor-General and Council. Provision was made for the summoning of a General Assembly, so soon as the state and circumstances of the colony would admit thereof. By an ordinance of the Governor and Council, passed on the 17th September, 1776, courts of justice were constituted. But nothing had yet been done towards the summoning of a Parliament. The consequence was a very general agitation throughout the Province. This brought about the passing of the Imperial statute 14 Geo. III. cap. 83. It was passed for the purpose of making more effective provision for the government of the Province. It authorized the King, by warrant under his sign manual, with the advice of the Privy Council, to constitute a Council for the affairs of the Province, to consist of not more than twenty-three nor less than seventeen residents of the Province. To the Governor and Council was committed power to make ordinances for the peace, welfare and good government of the Province. No power to levy taxes, except for the purpose of making roads or erecting and repairing public buildings, was given. No ordinance touching religion was to have any force till approved of by the King. No provision was made for a system of representative government by the election of the people. Increased agitation was the consequence, and the result of this was the passing of the 31st Geo. III. cap. 31, commonly called the Constitutional Act.

By this act the Province, then called Quebec, was divided into two Provinces, called respectively Upper and Lower Canada. Provision was made for the constitution of a Legislative Council, appointed by the Crown, and a Legislative Assembly, elected by the people, in each of the Provinces. Power was given to the King, through the respective Governors of the Provinces, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Provinces, to make laws for the peace, welfare and good government thereof. Whenever any bill, passed by the Legislative Council and Assembly in either Province, should be presented to the Governor-General for the King's assent, the Governor was authorized to declare, according to his discretion (but subject to the provisions of the act, and to such instructions as might from time to time be given in that behalf by the King), that he assented to the bill in His Majesty's name, or that he withheld assent, or that he reserved the bill for the signification of His Majesty's pleasure thereon. Provision was made for the transmission to England of all bills assented to by the Governor, and for the disallowance thereof within two years after the receipt thereof. Bills reserved for the King's pleasure were not to have any force till His Majesty's assent was communicated to the Legislative Council and Assembly.