

granting any more leases of the clergy reserves. I cannot doubt their ready compliance, and am most reluctant to reason, even hypothetically, on the contrary supposition. But as it will be necessary, to prevent improvident leases, which on the haste and excitement of the moment might be made, you will, in the unfortunate contingency of the corporation persisting in making them, direct the Attorney-general to take such measures as may be best adapted to bring to trial the validity of the charter itself. I apprehend that the result must be to ascertain that it is void in point of strict law. But it is impossible to deprecate such a controversy too earnestly, or to contemplate it at all, except as an extreme remedy in a case of extreme importance.

Whenever the Act shall have been finally passed, the continued existence of the charter would be of no practical importance, though it would be on the whole desirable that the charter should be then surrendered.

With regard to the continuance of the powers of sale under the Statute 7 & 8 Geo. 4, c. 62, you will immediately signify to the officers employed under the Statute His Majesty's commands that they do abstain from acting any further in execution of it, after the 30th June 1832; and that during the half year from the 1st January to that date, the sales to be made should not exceed in number of acres the number actually sold in the preceding half year.

The difficulties which might oppose or partly frustrate the execution of the designs of His Majesty's Government being thus obviated, it remains to consider what provisions the proposed Act of the Assembly should contain.

First, then, it should be enacted, that so much of the British Statute of 1791, as relates to the appropriation of clergy reserves, should be repealed. But as it is necessary, and it would be highly inconvenient to repeal so much of that Act as relates to the erection and endowment of parsonages, it will be fit, in order to obviate the possibility of mistake, that the precise words upon which the repeal is to operate should be quoted in the repealing Act.

Secondly. To remove all doubt as to the effect of the repeal, it should be expressly provided that the reserved land should immediately vest in His Majesty, and be held by him, His heirs and successors, in the same manner in every respect as if the provisions to be repealed had never been enacted.

Thirdly. The leases granted by the clergy corporation should be declared to be as valid as though the repealing Act had not been passed; but the tenants should be required to attorn to His Majesty, and to pay their rent to him or to the receivers of His land revenue in the province.

Fourthly. All sales effected and all acts done under the Statute 7 & 8 Geo. 4, c. 62, shall be declared to be as valid as though the repealing Act had not been passed.

Fifthly. The only additional provision, the necessity of which I can anticipate, would be an enactment declaring, that henceforward no grant of lands, whenever made, shall be deemed invalid or ineffectual by reason of the absence of the specification of the clergy reserves, appropriated in respect of such grant. With reference to future grants this of course would be superfluous, but it might obviate some inconvenient doubts as to the effect in future of past neglects of this part of the Act of 1791.

A Provincial Statute, embracing these provisions, and neither exceeding nor falling short of them in any material respect, would, I apprehend, effectually set at rest all the questions respecting the clergy reserves to which I have adverted in my accompanying Despatch, except in the possible, but I trust very improbable, event of either House of Parliament addressing His Majesty to withhold his assent. That, however, is a contingency against which no security can be taken, and upon which it could answer no practical purpose to speculate.

It remains to consider what steps should be taken in order to bring this question fairly under the notice of the two branches of the Provincial Legislature. For this purpose it will be fit that they should be invited to the consideration of the question by a Message from His Majesty. Anxious as I am to relieve you to the utmost possible extent from responsibility, upon an occasion of so much gravity and importance, I enclose to you the copy of a Message to be transmitted in His Majesty's name to both the Houses of the Provincial Legislature.

The same motive induces me to transmit to you the draft of a Bill which has been prepared under my directions for carrying the views of His Majesty's Government into effect. Without intending to fetter the discretion of the law officers of your government, I must express my earnest wish that the Bill might be introduced in terms corresponding as closely as possible with those of the accompanying draft.

I am not sufficiently conversant with the usages of the Canadian Assembly to venture to prescribe anything respecting the manner in which this Bill should be brought forward. If I am not misled by the analogy of English Parliamentary proceedings, I should desire that the Act might be introduced to the notice of the Assembly by the Attorney-general, or if he has not a seat in that house, then by any official member in whose ability and discretion you can place adequate confidence. Should the law pass in any form, you will neither give nor refuse your consent, but will reserve the Bill for the signification of His Majesty's pleasure. Indeed, I conceive that to be the proper course of proceeding in every case in which an Act of the Canadas is required to be laid before the two Houses of Parliament.

I have, &c.  
(signed) *Goderich.*