

quainted. On this subject, we would refer your Lordship to the Solicitor-general, Mr. Draper. We were grieved to learn from your Lordship that the opinion of the law officers on the question of these rectories was unfavourable to the Church. We feel that the unsettling these endowments must be attended with difficulty and injustice; with difficulty, because much of the land so conveyed has already been leased; with injustice, because in very many cases (in our own especially) the lands had been set apart by express command of the Governor in Council, several years before the patents were issued; and because improvements have been made and houses built on these lands. Moreover, the House of Assembly of Upper Canada has distinctly recorded its opinion of the validity of these endowments, in the following resolution, passed 9th February 1837, by a majority of 33 to 20:

“Resolved, That this House regards as inviolable the rights acquired under the patents, by which rectories have been endowed, and cannot therefore either invite or sanction any interference with the rights thus established.”

The issuing of these patents was but the completion (in many cases) of acts already commenced; and indeed much, if not the whole, of the obloquy which the simultaneous establishment of these rectories caused, would have been avoided, if the endowments had been perfected at the times they were virtually made. We can, of our own knowledge, state that our late respected Lieutenant-governor was deterred from this step solely by the opposition which his plan of restricting the jurisdiction of rectors within the present confined limits met with in his executive council. We do hope Her Majesty's Government will secure to the Church of England these endowments by such alterations in the patents as the law officers may have found to be necessary.

We now address ourselves to another and leading purpose of the present communication. We have seen Mr. Morris, and conferred with him on the nature of the claims advanced by the Church of Scotland. The desire appears mutual that an amicable termination should, if possible, be effected to the question of the Clergy Reserves. From our personal knowledge of the Province and its affairs, we are satisfied that, unless such a measure be devised and carried out, it will be in vain to expect peace or happiness. The enemies of order and true religion will never lack fuel for their incendiary efforts as long as this subject remains open. We venture then to submit to your Lordship, for the consideration of Her Majesty's Government, the following suggestions, in which (as far as we know) Mr. Morris concurs. They are offered as the principle for an Act of the Imperial Parliament, or (should this not be thought expedient at present) for the government of Her Majesty's representatives and the Houses of Legislature in Upper Canada.

1. The acknowledgment of the right of the Church of England to endowments from the Clergy Reserves by the Act 31 Geo. 3, c. 31, as interpreted by the law officers in 1819, the security of her present possessions, and the allotment of a portion of the Reserves for her use and benefit for ever.

2. The allotment of a portion of the Reserves to the Church of Scotland for her use and benefit for ever. (The extent of these allotments or portions to be determined according to the numerical strength of both Churches in Great Britain; or, as it must be difficult, if not impossible, to ascertain this with accuracy, according to the proportion of the whole population of England and Scotland, assuming that the Dissenters from the Church of Scotland in Scotland are proportionably as numerous as the Dissenters from the Church of England in England. In the present state of Upper Canada, it would be impossible to ascertain the relative numbers of the two Churches.)

3. The residue of the Reserves to be re-invested in the Crown for the support and maintenance of other Protestant denominations dissenting from the two Established Churches.

We are persuaded that if this principle of allotment were admitted, the lands at present disposable might be equitably divided into three equal parts; two to be secured to the two Established Churches, in the proportion of their numbers as above alluded to, and the other third for the purpose mentioned under the third head.

We seek your Lordship's permission to present, in company with Mr. Morris,