

4. That the Rectors of the Parishes, so erected and endowed, have the same ecclesiastical authority, within their respective limits, as is vested in the Rector of a Parish in England.

It is not surprising that the promulgation of such an opinion, should have given great dissatisfaction, and produced great excitement, in Upper Canada. It carried on its face strong evidence of its absurdity; but it was, nevertheless, clung to by those in authority here, as warmly, as it was violently opposed and denounced, by the people at large. It is admitted in No. 2 above, that Lord Ripon's [Goderich's] despatch, of the 5th April, 1832, conferred no authority, to establish or endow Rectories; but nevertheless, it was that despatch, and that alone, which was cited by the Executive Council of Upper Canada, in their minute of 15th January, 1836, recommending the Lieutenant Governor to establish and endow them, upon which the order for Patents followed. It may be, that this despatch was selected by the Executive Council, on account of its being of later date, than the one from Lord Goderich, of the 21st November, 1831, by which the whole subject of the Clergy Reserves was referred to the Provincial Parliament for settlement. This may account too, for the quotation from that despatch, into the minute of Council, not having been, as stated by Lord Glenelg, "accurately described." The description, as it originally stood, would not answer the purpose, and it was, accordingly changed, to suit the purpose. In this way, if undetected, the show of authority from the Secretary of State for the establishment of Rectories, subsequent to the despatch of 21st November 1831, might have been successfully maintained. But, the deception having been detected by Lord Glenelg, His Lordship intimated, that the passage quoted, was "not accurately described," whereupon, in the first instance, and afterwards on reconsidering the case, the Law officers of the Crown in England, emphatically declared, that the despatch of 5th April 1832, did not authorize the establishment or the endowment of Rectories.

It might have been expected, that this would have sufficed to establish their illegality. It proved otherwise—and, Lord Bathurst's despatch of 22d July 1825, was called into requisition, to sustain them,—a despatch, that had been written during a previous reign, and since the writing of which, there had, occurred, various changes of administration in England; besides that its authority had been positively revoked, by Lord

Goderich's despatch of 21st November 1831, and that it was expressly confirmed by His Lordship, in a despatch dated 1st of June 1832, and again by Lord Glenelg, in a despatch dated 31st July 1835. It follows, therefore, that the pretended authority, on which the Law officers attempt to support their opinion, of 24th January 1833, in favor of the legality of the Rectories, being in fact no authority, the Rectories themselves must be alike without foundation, and, in the words of the opinion given, by the same Law officers, on 8th June 1837, "*not valid and lawful acts.*"

Had we only to do with the past, we might here bring this article to a close. We have to do with the present and future. The questions of the Reserves and Rectories, are made hobby-horses for political quacks, year after year, to the detriment of the country; and they have recently been brought officially under the notice of the Imperial authorities, as a result of local agitation in Canada, encouraged and promoted by members of the Provincial administration, and even by the Governor General himself—as witness Lord Elgin's celebrated despatch, in which His Excellency censures certain parties, for seeking sympathy through public opinion in England, in place of agitating the question by means of public opinion in the Province.

We have good authority for stating, that eminent Crown Counsel in England; on the most careful consideration of an elaborate case, submitted to them for opinion, during Mr. Rincker's recent stay in London, deliberately gave it as their opinion, that the Rectories established by Sir John Colborne, in Upper Canada, were not lawfully done, and that they are not lawful and valid acts. The reference in this case, was not to the Law officers of the Crown, so called, but to eminent Queen's Counsel, whose opinions are of the highest value, where they are best known.

The probability is that fortified by this opinion, steps will be taken, under the authority of the resolution passed by the Legislative Assembly, last Session, to test the validity of the Rectory Patents, and set them aside, in due form, by the authority of the proper tribunals of justice, as was recommended by Lord Glenelg, as far back as 1837, as appears by His Lordship's despatch of 6th July of that year, lately published in this journal. Whatever such judicial proceedings may result in, it is the determination to respect the rights of the present Incumbents of these Rectories