are reserved for their Maintenance, and which, without a due Attention being paid in this respect, will naturally be considered by the People at large as detrimental to the Colony, and may at no very distant Period of Time become a Temptation to those who shall be hostile to the Union of Upper Canada with Great Britain.

I have, &c.

(Signed)   J. Graves Simcoe.

Enclosure in No. 3.

Report on the Subject of Marriages, and the State of the Church of England, in the Province of Upper Canada, humbly submitted to His Excellency Governor Simcoe.

Newark, 12th Oct. 1792.

The Country now Upper Canada was not settled or cultivated in any Part, except the Settlement of Detroit, till the Year 1784, when the several Provincial Corps doing Duty in the Province of Quebec were reduced, and, together with many Loyalists from New York, established in different Parts of this Province, chiefly along the River St. Lawrence and the Bay of Quenti. In the meanwhile, from the Year 1777, many Families of the Loyalists belonging to Butler's Rangers, the Royal Yorkers, Indian Department and other Corps doing Duty at the Upper Posts, had from Time to Time come into the Country, and many young Women of these Families were contracted in Marriage, which could not be regularly solemnized, there being no Clergyman at the Posts, nor in the whole Country between them and Montreal. The Practice in such Cases usually was to go before the Officer commanding the Post, who publicly read to the Parties, the Matrimonial Service in the Book of Common Prayer, using the Ring, and observing the other Forms there prescribed ; or if he declined it, as was sometimes the Case, it was done by the Adjutant of the Regiment. After the Settlements were formed in 1784 the Justices of the Peace used to perform the Marriage Ceremony till the Establishment of Clergymen in the Country, when this Practice, adopted only from Necessity, hath been discontinued in the Districts where Clergymen reside. This is not yet the Case with them all; for though the Two Lower Districts have had each of them a Protestant Clergyman since the Year 1786, it is but a few Months since this (Nassau or Home) District hath been provided with one, and the Western District, in which the Settlement of Detroit is included, is to this Day destitute of that useful and respectable Order of Men ; yet the Town of Detroit is, and has been since the Conquest of Canada, inhabited for the most part by Traders of the Protestant Religion, who reside there with their Families, and among whom many Intermarriages have taken place, which formerly were solemnized by the Commanding Officer, or some other Layman occasionally appointed by the Inhabitants for reading Prayers to them on Sundays, but of late more commonly by the Magistrates, since Magistrates have been appointed for that District.

From these Circumstances it has happened that the Marriages of the generality of the Inhabitants of Upper Canada are not valid in Law, and that their Children must, *stricto jure*, be considered as illegitimate, and consequently not entitled to inherit their Property. Indeed this would have been the Case, in my Opinion, had the Marriage Ceremony been performed even by a regular Clergyman, and with due Observance to all the Forms prescribed by the Laws of England ; for the Clause in the Act of the Fourteenth Year of His present Majesty, for regulating the Government of Quebec, which declares " that in all Cases of Controversy relative to Property and Civil Rights " resort shall be had to the Laws of Canada as the Rule for the Decision of " the same," appears to me to invalidate all Marriages not solemnized according to the Rites of the Church of Rome, so far as these Marriages are considered giving any Title to Property.

Such being the Case, it is obvious that it requires the Interposition of the Legislature, as well to settle what is past, as to provide some Regulations for the future ; in framing of which it should be considered that good Policy requires