

of the Church. And if even these Crown revenues are under the control of the House of Assembly, there can be no question that an appeal to that House (made by any Member, whether connected with the Government or not, but still sanctioned by its influence), grounded on the equitable principle above insisted on, would be fully and fairly responded to: and I doubt not that a view of the just responsibility incurred by the Province, through the past delay of its representatives, would much contribute towards the speedy and final settlement of the question. Indeed, my Lord, may I not say that the Imperial Government has hitherto acted on this principle? Why was the payment of the missionaries transferred to the casual and territorial revenues when the annual Parliamentary grant ceased? Why did the Imperial Government make over the charge of the Bishop's income to the same source of revenue? They were the only funds then in the Province at the disposal of the Crown; and, as it appears to me, the Government justly concluded the Province should bear a burden for which the dilatoriness of its Legislature had made it accountable.

I entirely concur in your Lordship's opinion that Her Majesty's Government should not "break faith" with the Provincial Legislature on this subject of the Clergy Reserves, or on any other; but it would be equally incompatible with the maintenance of a sound faith, that the interests of the Church should be entirely sacrificed to a feeling of courtesy or liberality (however well meant) towards the House of Assembly. Can any doubt arise in an unbiassed mind on the meaning of the Act 31 Geo. 3, c. 31, s. 35-42? Can it be denied that the national faith is therein pledged to the Church of England, that she should have a "permanent" provision "in all time to come?" The opinion of His Majesty's law officers in 1819 is distinctly confirmatory of the right conveyed by the Act to the Church of England; for while it excludes entirely the dissenters from any participation in the lands, or in the rents or profits arising therefrom, and admits the Church of Scotland, not to any share in the lands for parochial endowments, but only in the rents or profits, it declares that His Majesty might endow any particular parsonage or rectory of the Church of England with the whole lands allotted and appropriated in each township or parish as Clergy Reserves. Is it consistent, my Lord, that this bare legal opinion in favour of the Church of Scotland should be acted on, and yet with this same opinion founded on a solemn Act of the King and Imperial Parliament in behalf of our Church, there should exist, even in appearance, a reluctance to confirm the present possessions and to extend the usefulness and efficiency of the Church of England by further grants? Is it just, is it consistent with national faith that this solemn compact between the Imperial Parliament and the Church should be violated? violated, too, in such wise, as to ensure, not the "permanent" establishment "in all time to come," but the utter ruin of that Church? These will appear, peradventure, strong expressions, but surely not stronger than the circumstances in which our Church is placed require and justify. I ask, my Lord, in what way can the Church of England be "permanently" and "in all time to come" established in Upper Canada, if it be not by providing her with bishops and ministers according to her necessities and the increase in the number of her members? Did George the Third, of pious memory, and the Imperial Parliament make such a provision? It cannot be doubted. Can, then, the Executive Government be justified in any procedure (however well-intentioned) which compromises the inalienable rights thus secured to the Church of England? If, from any cause, the well-intentioned procedure (I allude to the referring the arrangement of the Clergy Reserves question to the Provincial Legislature) succeed not as soon, or as effectually as the Imperial Government might wish, is therefore the Church vitally and irreparably to suffer? Is the "national faith" pledged to the judges and officers of the Government in Lower Canada? Can the injustice of the House of Assembly there absolve the nation and Her Majesty's Government from their solemn obligation? Was any objection raised when the Ministers of the Crown asked for money from the imperial treasury to pay these judges and officers? Would not an objection involve the necessity of shutting up the courts of justice and suspending entirely the operations of Government? Now there exists, my Lord, a strong parallelism in the case of the judges and officers in Lower Canada and the Church in Upper Canada. The delay of the House of Assembly in Upper Canada has effected for the Church what the injustice of the House of Assembly in Lower Canada has for the judges and Government officers.