

cers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774, is vested in the Crown, they are prepared to say that the real interests of the Provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendance and controul of the House of Assembly.

On the other hand, your Committee, while recommending such a concession on the part of the Crown, are strongly impressed with the advantage of rendering the Governor, the Members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly, for their respective salaries.

Your Committee are fully aware of the objections in principle, which may be fairly raised against the practice of voting permanent salaries to Judges who are removable, at the pleasure of the Crown; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation, in their instance, of a permanent vote of Salary.

Although your Committee are aware that the grant of permanent salaries has been recommended to a much greater number of persons connected with the Executive Government, than they have included in their recommendation, they have no hesitation in expressing their opinion that it is unnecessary to include so large a number, and if the officers above enumerated, are placed on the footing recommended, they are of opinion that all the revenues of the Province, (except territorial and hereditary revenues,) should be placed under the control and direction of the Legislative Assembly.

Your Committee cannot close their observations on this branch of their enquiry without calling the attention of the House to the important circumstance, that in the progress of these disputes the Local Government has thought it necessary through a long series of years, to have recourse to a measure, (which nothing but the most extreme necessity could justify,) of annually appropriating, by its own authority, large sums of the money of the Province, amounting to no less a sum than 140,000*l.*, without the consent of the representatives of the people under whose control the appropriation of these monies is placed by the Constitution.

Your Committee cannot but express their deep regret that such a state of things should have been allowed to exist for so many years in a British Colony, without any communication or reference having been made to Parliament on the subject.

Upon the several points referred to your Committee connected with the Office of Receiver-General, of the Sheriffs, and of the Jesuit's Estates, your Committee proceeded to examine evidence upon each. The facts of the case as regards the Receiver-General, Mr. Caldwell, are detailed in Mr. Nelson's evidence.—Mr. Caldwell was a defaulter in 1823 for 96,000*l.* of the public money of the Province.—Upon our examination of the accounts by the House of Assembly—no acquittal could be traced from the Treasury of a later date than 1814—though some balances were stated up to 1819, and it appeared by documents then produced that the fact of his deficiency was known for a considerable time before he was suspended.

Your Committee recommend for the future, that steps should be taken by efficient securities, and by a regular audit of the accounts, to prevent the recurrence of similar losses and inconveniences to the Provinces.

As connected with this branch of the enquiry, your Committee recommend that precautions of the same nature should be adopted with regard to the Sheriffs, as it appears that within a few years two instances of the insolvency of these officers have occurred while possessed, in virtue of their office, of large sums of money deposited in their hands.

With respect to the Estates which formerly belonged to the Jesuits, your Committee lament that they have not more full information, but it appears to them to be desirable that the proceeds should be applied to the purposes of general education.

One of the most important subjects to which their enquiries have been directed, has been the state of the legislative councils in both the Canadas, and the manner in which these assemblies have answered the purposes for which they were instituted. Your Committee strongly recommend that a more

independent character should be given to those bodies, that the majority of their members should not consist of persons holding offices at the pleasure of the Crown, and they are of opinion, that any other measures that may tend to connect more intimately this branch of the Constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the Judges, with the exception only of the Chief Justice, whose presence, on particular occasions, might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the House. Upon similar points it appears to your Committee that it is not desirable that judges should hold seats in the Executive Council.

Your Committee are desirous of recording the principle, which, in their judgment, should be applied to any alterations in the constitution of the Canadas, which was imparted to them under the formal act of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British act, as far as possible, to such points as from the relation between the Mother Country and the Canadas, can only be disposed of by the paramount authority of the British Legislature, and they are of opinion, that all other changes should, if possible, be carried into effect by the local legislatures themselves, in amicable communication with the local government.

Upon the great question of the union of the two Canadas, your Committee have received much evidence, to which they desire to call the attention of the House. With reference to the state of public feeling that appears to prevail in these Colonies on this momentous subject, your Committee are not prepared under present circumstances to recommend that measure.

Your Committee, nevertheless, think it highly desirable that some satisfactory arrangement, (and, if possible, one of a permanent nature,) should be effected between the two Canadas with regard to the imposition and distribution of the customs collected in the St. Lawrence. They trust, however, when the heats which so unfortunately exist shall have subsided, that such an arrangement may be amicably effected.

It now remains for us to lay before the House the result of our enquiries into the Clergy Reserves, which appear, by the statements of the petitioners from Upper Canada, to be the cause of much anxiety and dissatisfaction in that Province.

By the act of 1791, the Governor is directed to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under any authority of his Majesty. And it is further provided, that such lands so allotted and appropriated shall be, as nearly as the circumstance and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be as nearly as the same may be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

The instructions thus given have been strictly carried into effect, and the result is, that the separate portions of land which have been thus reserved, are scattered over the whole of the districts already granted.

It was no doubt expected by the framers of this act that, as the other six parts of the land granted were improved and cultivated, the reserved part would produce a rent, and that out of the profits thus realized an ample fund might be established for the maintenance of a Protestant Clergy. These anticipations, however, have not as yet been, and do not appear to be soon, realized; judging, indeed, by all the information the Committee could obtain on this subject, they entertain no doubt that these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the Country, lying as they do in detached portions in each township, and intervening between the occupations of actual settlers who have no means of cutting roads through the woods and morasses, which thus separate them from their neighbours; the allotment of those portions of reserved wilderness has, in fact, done much more to diminish the value of the six parts granted to those settlers than the improvement of their allotments has done to increase the value of the reserve; this we think must be apparent from the re-

sults of the attempts which have been made to dispose of these lands. A corporation has been formed within the Province, consisting of the Clergy of the Church of England, who have been empowered to grant leases of those lands for a term not exceeding 21 years. It appears that, in the lower Province only, the total quantity of Clergy Reserves, is 488,594 acres, of which 75,639 acres are granted on leases, the terms of which are, that for every lot of 200 acres, 8 bushels of wheat or 25*s.* per annum shall be paid for the first 7 years, 16 bushels, or 50*s.* per annum, shall be paid for the next 7 years, and 24 bushels, or 75*s.* per annum, for the last 7 years. Under these circumstances, the nominal rent of the Clergy Reserves is 930*l.* per annum; the actual receipt for the last three years has been only 50*l.* per annum. The great difference between the nominal and the net receipt is to be accounted for by the great difficulty of collecting rents, and by tenants absconding. We are informed also, that the resident Clergy act as local agents, in collecting the rents; that a sum of 175*l.* had been deducted for the expenses of management; and that, at the date of the last communication on this subject, 250*l.* remained in the hands of the Receiver-General—being the gross produce of the whole revenue of an estate of 488,594 acres.

An attempt has been made to dispose of this Estate by sale. The Canada Company established by the 6, Geo. IV. cap. 75, agreed to purchase a large portion of these reserves at a price to be fixed by Commissioners, 3*s.* 6*d.* per acre was the price estimated, and at this sum an unwillingness was expressed on the part of the Church to dispose of the Lands.

The Government therefore have made arrangements with the Company, and an Act has since been passed authorizing the sale of these lands to any person desiring to purchase them, provided the quantity sold, does not exceed 100,000 acres each year.

As your Committee entertain no doubt that the reservation of these Lands in Mortmain is a serious obstacle to the improvement of the Colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them generally into cultivation.

That their value, whatever it may be, must be applied to the maintenance of a Protestant Clergy, there can be no doubt.—And your Committee regret that there is no prospect as far as a present and succeeding generation is concerned, of their produce being sufficient for that object in a country where wholly unimproved Land is granted in fee for almost nothing to persons willing to settle on it—it is hardly to be expected, that with the exception of some favored allotments responsible tenants will be found who will hold on lease, or that purchasers of such Land will be found at more than a nominal price.

Your Committee, however, are happy to find that the principle of the progressive sale of these Lands has already been sanctioned by an Act of the Imperial Parliament. They cannot avoid recommending in the strongest manner the propriety of securing for the future any provision which may be deemed necessary for the religious wants of the community in those Provinces, by other means than by a reservation of one-seventh of the Land, according to the enactment of the Act of 1791. They would also observe that equal objections exist to the reservation of that seventh which in practice appears to be reserved for the benefit of the Crown, and doubtless the time must arrive when these reserved Lands will have acquired a considerable value from the circumstance of their being surrounded by settled districts—but that value will have been acquired at the expense of the real interests of the Province, and will operate to retard the course of general improvement which is the source of national wealth. Your Committee are of opinion, therefore, that it may be well for the Government to consider whether these Lands cannot be permanently alienated, subject to some fixed moderate reserved payment, (either in money or grain, as may be demanded,) to arise after the first 10 or 15 years of occupation. They are not prepared to do more than offer this suggestion, which appears to them to be worthy of more careful investigation than it is in their power to give to it: but in this or in some such mode, they are fully persuaded, the Lands thus reserved, ought, without delay, to be permanently disposed of.

To a property at once so large and so unproductive, it appears that there are numerous claimants.