

The Act of 1791 directs that the profits arising from that source shall be applied to a Protestant Clergy, doubts have arisen whether the Act requires the Government to confine them to the use of the Church of England only, or to allow the Church of Scotland to participate in them. The Law Officers of the Crown have given an opinion in favour of the Rights of the Church of Scotland, to such participation, in which your Committee entirely concur; but the question has also been raised whether the Clergy of every denomination of Christians, except Roman Catholics, may not be included. It is not for your Committee to express an opinion on the accuracy which the words of the Act legally convey. They entertain no doubt, however, that the intention of those persons who brought forward the measures in Parliament, was to endow with Patronage, Houses, and Glebe Lands, the Clergy of the Church of England, at the discretion of the local Government. But with respect to the distribution of the proceeds of the reserved Lands generally, they are of opinion that they ought to reserve to the Government, the right to apply the money, if they so thought fit, to any Protestant Clergy.

The Committee see little reason to hope that the annual income to be derived from this source, is likely, within any time to which they can look forward, to amount to a sufficient sum to provide for the Protestant Clergy of these Provinces. But they venture to press the early consideration of this subject on His Majesty's Government, with a view to an adjustment, that may be satisfactory to the Province, of the principle on which the proceeds from the Lands are hereafter to be applied, and intending the just and prudent application of these funds, the Government will necessarily be influenced by the state of the population, as to the religious opinions at the period when the decision is to be taken. At present it is certain, that the adherents of the Church of England constitute but a small minority in the Province of Upper Canada—on the part of the Scotch Church, claims had been strongly urged on account of its establishment in the Empire, and from the number of its adherents in the Province. With regard to the other religious sects, the Committee have found much difficulty in ascertaining the exact numerical proportions that they bear one to another; but the evidence has led them to believe that neither the adherents of the Church of England nor those of the Church of Scotland, form the most numerous religious body within the Province of Upper Canada.

The attention of the Committee having been drawn to the establishment of the University of King's College at York, in Upper Canada, they thought it their duty to examine the Charter granted to that College. That Charter was granted under the great Seal, and it is to be observed, that it does not impose on the Students an obligation to subscribe to the 39 Articles, which was done in the cause of the other North American Colleges. Your Committee find it provided, amongst other arrangements for the conduct and government of this institution, that the Archdeacon of York, for the time being, shall by virtue of his Office, at all times be President of the said College.

It is further ordained, that there shall be within the said College or Corporation, a Council, to be called and known by the name of the College Council, which shall consist of the Chancellor, the President, and seven Professors in Arts and Faculties of the said College, and that such said Professors, shall be members of the Established Church of England and Ireland, and shall, previous to their admission, sign and subscribe the 39 Articles of Religion. To this Council, the whole government of the College is confided. Of the great advantage which the establishment of a College for the purposes of general education in Upper Canada is likely to confer upon the Province, your Committee entertain the strongest conviction; they lament only that the Institution should be so constituted as materially to diminish the extent to which it might be useful.

It cannot, they think, be doubted, as the guidance and government of the College is to be vested in the hands of the members of the Church of England, that in the election of Professors, a preference would inevitably be shewn to persons of that persuasion; and in a country where only a small proportion of the inhabitants adhere to that Church, a suspicion and jealousy of religious interference would necessarily be created.

From these and other reasons, the Committee are desirous of stating their opinion that great ben-

efit would accrue to the Province by changing the constitution of this body.

They think that two Theological Professors should be established, one of the Church of England and another of the Church of Scotland—(whose lectures the respective candidates for holy orders should be required to attend)—but that with respect to the President, Professors, and all others connected with the College, no religious test whatever should be required.

That in the selection of Professors no rule should be followed, and no other object sought than the nomination of the most learned and discreet persons, and that (with respect to religion) they should be required to sign a declaration that as far as it was necessary for them to advert in their lectures to religious subjects, they would distinctly recognize the truth of the Christian revelation, but would abstain altogether from inculcating particular doctrines.

Though your Committee have now disposed of the most important subjects of their inquiry, they are aware that on an examination of the petitions and of the evidence, many other matters will appear entitled to consideration.

The Committee think it necessary also to observe, that the evidence from Upper Canada has not been equally ample and satisfactory with that which they have had the advantage of receiving from the Lower Province. Your Committee, however, are desirous of directing the attention of Government to the Sedition Act, (should it not be found to have expired,) the repeal of which appears to have been long the object of the efforts of the House of Assembly of Upper Canada.

Your Committee also beg leave to call the particular attention of the Government to the mode in which Juries are composed in the Canadas, with a view to remedy any defects that may be found to exist in the present system.

Your Committee lament that the late period of the Session in which they were appointed, has rendered a minute investigation into all parts of the subject submitted to them impossible. They believe too that if the Legislative Assembly and the executive Government of Canada can be but on a right footing, that measures will be found within the Province of remedying all minor grievances. They are disposed nevertheless to recommend, that the prayer of the Lower Canadians for permission to appoint an Agent in the same manner as Agents are appointed by other Colonies which possess local legislatures, should be granted; and that a similar privilege should be extended to Upper Canada, if the Colony should desire it.

At an early period of their investigation, your Committee perceived that their attention must be directed to two distinct branches of enquiry:—1st. To what degree the embarrassments and discontents which have long prevailed in the Canadas, had arisen from defects in the system of Laws and the Constitution established in these Colonies. 2d. How far these evils were to be attributed to the manner in which the existing system had been administered.

Your Committee have clearly expressed their opinion that serious defects were to be found in that system, and have ventured to suggest several alterations that have appeared to them to be necessary or convenient. They also fully admit, that from these as well as from other circumstances, the task of Government in these Colonies (and especially in the Lower Province) has not been an easy one: but they feel it their duty to express their opinion that it is to the second of the causes alluded to that these embarrassments and discontents are in a great measure to be traced. They are most anxious to record their complete conviction that neither the suggestions they have presumed to make, nor any other improvements in the Laws and Constitution of the Canadas will be attended with the desired effect, unless an impartial, conciliatory, and constitutional system of government be observed in these loyal and important Colonies.

Your Committee had closed their enquiry, and were proceeding to consider their Report, when it became their duty to enter into further evidence upon a Petition referred to them by the House, and signed by the Agents who had brought to this country the Petition of 87,000 inhabitants of Lower Canada, of which mention had been made in a former part of their Report.

This petition, and the evidence by which it is supported, contains the most grave allegations a-

gainst the administration of Lord Dalhousie since the period at which these Gentlemen left the Colony.

These complaints consist chiefly of the dismissal of many officers of militia, for the constitutional exercise of their civil rights—of the sudden and extensive remodelling of the commission of the peace, to serve (as it is alleged) political purposes of a vexatious system, of prosecutions for libel, at the instance of the Attorney General—and of the harsh and unconstitutional spirit in which these prosecutions have been conducted.

Your Committee have hitherto felt that they should best and most usefully discharge their duty by studiously abstaining from commenting upon the official conduct of individuals; but it is impossible for them not to call the serious and immediate attention of His Majesty's Government to these allegations.

Your Committee also feel bound to urge upon His Majesty's Government, in the most especial manner, their opinion, that it is necessary that a strict and instant enquiry should take place into all the circumstances attending these prosecutions, with a view to giving such instructions upon them as shall be consistent with justice and policy.

Your Committee learn, with the greatest concern, that disputes have lately arisen in Upper Canada, between the Local Government and the House of Assembly, which have led to the abrupt termination of the Legislature of that Colony.

## THE ROYAL GAZETTE.

FREDERICTON, OCTOBER 7, 1828.

### ALMS HOUSE AND WORK HOUSE.

COMMISSIONER FOR THE WEEK, HENRY SMITH, ESQ.

### SAVINGS BANK.

TRUSTEES NEXT WEEK.

HENRY G. CLOPPER, ESQ.

JAMES TAYLOR, ESQ.

GEORGE MINCHIN, ESQ.

### COMMISSIONERS FOR ROADS.

COUNTY OF GLOUCESTER.

*Richard Dawson*—£30 to improve three passages leading down to the Sea Shore on the Capes of New Bandon, in addition to a former grant for the same purpose.

*John Young*—£20 for the Road leading from Caron Point to the Ferry on the South side of the Harbour opposite to Bathurst.

*Perry Dumaresq*—£40 to assist in erecting a Bridge over the stream at Mill Cove, on the line leading to Alstone Point.

*Perry Dumaresq*—20l. to improve the road from opposite Francis Comeaux House to the School-house near Edward Dougherty's.

*Perry Dumaresq*—20l. to improve the road on the North side of Little River.

*William Fleming*—20l. for the road from James Rorery's to Armstrong's Brook.

*Dugald Stewart*—20l. for the road from Eel River to the Mill Brook at Restigouche.

*Dougald Stewart*—20l. for the road from Kavanagh's Point to Robert Ferguson's.

### SUNBURY.

*Linus Seely & Wm. Hoyt*—50l. granted in 1827, in aid of individual subscription, to open a road from the back Creek settlement on the South Branch of the Oromocto to the Nepes road.

*Agricultural.*—Four Cows and a Bull of the pure Ayrshire breed, imported by the New-Brunswick Agricultural Society, were landed here, in excellent condition, on Thursday last. We understand they were selected from the best Stock in Scotland. Their appearance is certainly much in their favour, and from the acknowledged excellence of the breed, especially as regards their Dairy qualities, it may reasonably be expected that the Province will be greatly benefitted by this importation. By taking proper care of these as well as of the other neat Cattle, and of the Horses and Sheep lately imported, and of their offspring, the Agriculturalists of New-Brunswick may be supplied with as valuable Stock as is to be found in any Country that is not more favored than this in point of Climate.

The Ayrshire Cattle are, we understand, to be sold at public auction, in this Town, either on Wednesday the 15th or Saturday the 18th. Due notice will be given by hand Bills of the time of Sale as soon as it is determined.

The Society in addition to their Spring importation of Agricultural implements, have imported recently from Scotland, Two Ploughs, and Twelve sets of Plough Irons, manufactured by Mr. John Wilkie, Uddington, near Glasgow. These Ploughs