

AN ACT
TO PROVIDE FOR THE SALE OF THE
CLERGY RESERVES
IN THE PROVINCE OF CANADA,
AND
FOR THE DISTRIBUTION OF THE PROCEEDS THEREOF;
AND
AN ACT
TO MAKE PROVISION FOR THE MANAGEMENT
OF THE
TEMPORALITIES
OF THE
United Church of England and Ireland,
IN THIS PROVINCE,
AND FOR OTHER PURPOSES THEREIN MENTIONED,
&c. &c. &c.

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ANNO TERTIO & QUARTO
VICTORIÆ REGINÆ.

* * * * *

CAP. LXXVIII.

*AN ACT to provide for the Sale of the Clergy Reserves
in the Province of Canada, and for the Distribution
of the Proceeds thereof.*

[7th August, 1840.]

WHEREAS it is expedient to provide for the final disposition of the Lands called Clergy Reserves, in *Canada*, and for the Appropriation of the yearly Income arising or to arise therefrom, for the Maintenance of Religion and the Advancement of Christian Knowledge within the said Province; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Governor of the Province of *Canada*, by and with the Advice of his Executive Council, and under such Regulations as may be by him from time to time in Council established in that behalf, and approved by the Queen in Council, to sell, grant, alienate, and convey in Fee Simple all or any of the said Clergy Reserves: Pro-
vided nevertheless, that the quantity of the said Clergy Reserves so to be sold as aforesaid in any one year, shall not in the whole exceed One Hundred Thousand Acres, without the previous approbation in writing of one of Her Majesty's Principal Secretaries of State.

Clergy Reserves may
be sold.

Proviso.

Investment of Pro-
ceeds of Sales under
7 & 8 G. 4, c. 62.

II. And be it enacted, That the proceeds of all past Sales of such Reserves which have been or shall be invested under the authority of an Act passed in the Eighth year of the reign of King *George* the Fourth, intituled *An Act to authorize the Sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada*, shall be subject to such Orders as the Governor in Council shall make for investing, either in some Public Funds in the Province of *Canada*, secured on the consolidated Fund of the said Province, or in the Public Funds of *Great Britain* and *Ireland*, the amount now funded in *England*, together with the proceeds hereafter to be received from the Sales of all or any of the said Reserves, or any part thereof: Provided always, that the necessary expenses of such Sales shall be borne and defrayed out of the first monies received therefrom.

Present payments to
Religious Bodies out
of Crown Revenues
to be the first charge
on the Fund.

III. And be it enacted, That the Interest and Dividends accruing upon such Investments of the Proceeds of all Clergy Reserves sold or to be sold, and also the Interest to accrue upon Sales on credit of Clergy Reserves, and all Rents arising from Clergy Reserves that have been or may be demised for any term of years, shall be paid to the Receiver General of the Province of *Canada*, or such other Person as shall be appointed to receive the Public Revenues of the said Province, and shall together form an annual Fund for the purposes herein-after mentioned, and shall be paid by him from time to time, in discharge of any Warrant or Warrants which shall from time to time be issued by the Governor, in pursuance of the provisions of this Act; (that is to say), in the first place, to satisfy all such annual Stipends and Allowances as have been heretofore assigned and given to the Clergy of the Churches of *England* and *Scotland*, or to any other Religious Bodies or Denominations of Christians in *Canada*, and to which the Faith of the Crown is pledged, during the natural Lives or Incumbencies of the parties now receiving the same: Provided always, that until the annual Fund so to be created and deposited with the

Proviso.

Receiver General shall suffice to meet the above-mentioned Stipends and Allowances, the same, or so much thereof as the said Fund may be insufficient to meet, shall be defrayed out of the Casual and Territorial Revenue of the Crown in the Province of *Canada*.

IV. And be it enacted, That as soon as the said Fund shall exceed the amount of the several Stipends and Allowances aforesaid, and subject always to the prior satisfaction and payment of the same, the said annual Fund shall be appropriated as follows; (that is to say,) the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold or to be sold under the Authority of the before-recited Act of the Eighth Year of the Reign of King *George* the Fourth shall be divided into three equal parts, of which two shall be appropriated to the Church of *England* and one to the Church of *Scotland* in *Canada*; and the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold under the Authority of this Act shall be divided into six equal parts, of which two shall be appropriated to the Church of *England* and one to the Church of *Scotland* in *Canada*: Provided always, that the Amount of the before-mentioned Stipends and Allowances which shall be paid to and received by any Clergyman of either of the said Churches of *England* or *Scotland* shall be taken, as far as the same will go, as a part of the share accruing to each Church respectively by virtue of this Act; (that is to say,) the Stipends and Allowances to any Clergyman of the Church of *England* as part of the share accruing to the Church of *England*, and the Stipends and Allowances to any Clergyman of the Church of *Scotland* as part of the share accruing to the said Church of *Scotland*, so that neither of the said Churches shall receive any further or other Sum beyond such respective Stipends and Allowances until the Proportion of the said annual Fund allotted to them respectively in manner aforesaid shall exceed the annual Amount of such Stipends and Allowances.

Provision for the
Churches of *England*
and *Scotland*.

Application of the
Funds so allotted.

V. And be it enacted, That the Share allotted and appropriated to each of the said Churches shall be expended for the support and maintenance of Public Worship and the Propagation of Religious Knowledge, the Share of the said Church of *England* being so expended under the Authority of the "Society for the Propagation of the Gospel in Foreign Parts," and the Share of the said Church of *Scotland* under the Authority of a Board of Nine Commissioners, to be elected by the Synod or Synods of the Presbyterian Church of *Canada* in connexion with the Church of *Scotland*, under such Regulations as shall be from time to time established by the Governor of *Canada*, with the Advice of his Executive Council.

How allotted Funds
are to be paid.

VI. And be it enacted, That the Share of each of the said Churches shall be paid by the Receiver General or other Person appointed as aforesaid in discharge of any Warrant or Warrants which shall from time to time be issued by the Governor of the said Province in favour of the Treasurer or other Officer who shall be respectively appointed to receive the same by the said Society on behalf of the said Church of *England*, and by the said Commissioners on behalf of the said Church of *Scotland*.

Application of the
residue of Fund.

VII. And be it enacted, That, subject to the foregoing Provisions, the Residue of the said annual Fund shall be applied by the Governor of *Canada*, with the Advice of the Executive Council, for Purposes of Public Worship and Religious Instruction in *Canada*.

Guarantee of the
sums of £7,700 to the
Church of England,
and £1,580 to the
Church of Scotland.

VIII. And be it enacted, That the Receiver General or other Person appointed as aforesaid to receive the Interest and Dividends accruing from the Investment of the Proceeds of all Clergy Reserves sold or to be sold shall, on or before the Fifteenth Day of *January* in every Year, deliver to the Governor a Certificate in Writing under his Hand of the net Amount which in that Year will be applicable to the several Churches of *England* and *Scotland* out of the said Fund under the Provisions of this

Act ; and whenever the Sum mentioned in any such Certificate to be applicable to the Church of *England* in *Upper Canada* shall be less than Seven thousand seven hundred Pounds, or the Sum mentioned in the Certificate to be applicable to the Church of *Scotland* in *Upper Canada* shall be less than One thousand five hundred and eighty Pounds, the deficiency in each case shall be made good out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be charged thereupon at the Quarter Day next ensuing the Receipt of such Certificate at the Treasury ; and the Lord High Treasurer, or three or more Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall be authorized by their Warrant to direct the Issue of the Sums needed to supply such Deficiency in the following manner ; (that is to say,) such Sum as shall be needed to supply the Deficiency of the said Sum of Seven thousand seven hundred Pounds to such Person or Persons as shall be appointed to receive the same by the Society for the Propagation of the Gospel in Foreign Parts, and such Sum as shall be needed to supply the Deficiency of the said Sum of One thousand five hundred and eighty Pounds to such Person or Persons as shall be appointed to receive the same by any Writing under the Hands of any three or more of the Commissioners under whose Authority the Share of the Church of *Scotland* is to be expended as aforesaid ; and all Sums so paid out of the Consolidated Fund shall be severally applied, under the Authority of the said Society and of the last mentioned Commissioners respectively, for the Support and Maintenance of Public Worship and the Propagation of Religious Knowledge in each of the said Churches in *Canada*.

IX. And be it enacted, That Accounts of the Expenditure of every Sum of Money so to be received out of the said annual Fund, or out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by the said Churches of *England* and *Scotland*, or by any

Accounts of Expenditure to be rendered to Governor in Council.

other Religious Body or Denomination of Christians respectively, under the Authority of this Act, shall be, on or before the Twentieth Day of *July* in each Year, rendered to the Governor of the said Province in Council; and that until such Accounts shall have been rendered, and the due and proper Expenditure of the Sum granted during any preceding Year shall have been established to the satisfaction of the Governor of the said Province in Council, no other or further Sum or Proportion of the said annual Fund shall be paid or allowed to any or either of the Churches, Religious Bodies, or Denominations of Christians failing, neglecting, or refusing to render such Account, or to verify the same as aforesaid; and that Copies of such Accounts shall annually be laid before the Legislature of the said Province.

Summary remedy
for misapplication
of monies.

X. And be it enacted, That whenever there shall appear to the Governor of the said Province in Council sufficient reason to apprehend that there has been any Misappropriation or Non-appropriation of any Sum or Sums of Money paid to any of the said Churches, Religious Bodies, or Denominations of Christians, out of the said annual Fund, or any Neglect or Abuse in the Expenditure or Management of any such Sum or Sums, upon Direction for that Purpose given by the Governor, it shall be lawful for the Attorney General to apply summarily, either by Petition or Information, to or in the Court of Chancery, in *Upper Canada*, or to any one of the Superior Courts of Record in *Lower Canada*, setting forth the nature of the Abuse apprehended, and praying Discovery, and Relief in the Premises, as the nature of the case may require:

Repeal of part of
31 G. 3, c. 31.

XI. And be it enacted, That from and after the passing of this Act, so much of an Act passed in the Thirty-first Year of the Reign of King *George* the Third, intitled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,*

'and to make further Provision for the Government of the
'said Province,' as relates to any Reservations of Land here-
after to be made in *Upper Canada* or *Lower Canada* for
the Support and Maintenance of a Protestant Clergy,
shall be repealed.

XII. And be it enacted, That in this Act the Words ^{Meaning of Terms}
"Province of *Canada*" shall be taken to mean the Pro- ^{"Province of Canada"}
vince of *Canada* as constituted under an Act passed in ^{and "Governor."}
this Session of Parliament, intituled *An Act to re-unite*
the Provinces of Upper and Lower Canada, and for the
Government of Canada; and the word "Governor" shall
be taken to mean and include the Governor, Lieutenant
Governor, or Person administering the Government of
the Province of *Canada*.

XIII. And be it enacted, That this Act may be ^{Act may be amended,}
amended or repealed by any Act to be passed in this ^{Act}
Session of Parliament.

OFFICE OF CROWN LANDS,

Kingston, 6th December, 1841.

IN obedience to the commands of His Excellency the Administrator of the
Government, conveyed in Chief Secretary, Mr. Murdoch's letter of this
date, directing me to take the necessary steps for carrying into effect the
regulations established for the sale of the Clergy Reserves, and for making
them generally known. The order passed by Her Majesty in Council, on
the 21st October last, for the disposal of the Clergy Lands in this Province,
is published for the information of the public.

JOHN DAVIDSON,
Commissioner of Crown Lands
for the Province of Canada.

AT THE COURT AT BUCKINGHAM PALACE,

THE 21ST OF OCTOBER, 1841.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord Chancellor,	Earl of Aberdeen,
Lord President,	Sir Robt. Peel, Bart.
Lord Steward,	Sir George Murray,
Lord Chamberlain,	Sir J. Graham, Bart.
Earl Jersey.	

WHEREAS by an Act passed in the Session of Parliament holden in the 3rd and 4th years of the Reign of Her Majesty, intituled "*An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof*" reciting that "*it is expedient to provide for the final distribution of the Lands called the Clergy Reserves in Canada, and for the appropriation of the yearly income arising or to arise therefrom, for the maintenance of Religion and the advancement of Christian Knowledge within the said Province,*" it was amongst other things enacted, that after the passing of the said Act, it should be lawful for the Governor of the Province of Canada, by and with the advice of His Executive Council and under such regulations as might be by him from time to time in Councils established in that behalf, and approved by the Queen in Council, to sell, grant, alienate and convey in Fee simple all or any of the said Clergy Reserves: Provided nevertheless, that the quantity of the said Clergy Reserves, so to be sold as aforesaid, in any one year should not in the whole exceed one hundred thousand acres, without the previous approbation in writing of one of Her Majesty's Principal Secretaries of State. And whereas in pursuance of the said Act, the Governor of the Province of Canada with the advice and consent of His Executive Council, did on the 13th day of July 1841, establish certain regulations for the sale of the Clergy Reserves in that Province in the words and figures following, that is to say :

- *First*—That Her Majesty's Commissioner of Crown Lands in and for the said Province, shall under the said regulations and during the pleasure of the Governor, act in the sale and disposal of the Clergy Reserves aforesaid.

Second—That the said Commissioner shall render to the Government, accounts up to the ——— day of the months of ——— and ——— in each year.

Third—That it shall be the duty of the said Commissioner to receive and collect all monies arising from sales of the said Reserves heretofore made, which are now due and owing or which shall hereafter become due and owing, as well as all monies arising from sales hereafter to be made.

Fourth—That it shall be the duty of the said Commissioner to cause inspections of the said Reserves to be made by competent persons, and that the Inspectors so to be employed shall make returns upon oath of the Reserves by them respectively inspected, which returns shall exhibit whether or not the said Reserves are occupied or improved, or whether the same are vacant, and if occupied or improved by whom, and under what authority or claim, if any such shall be asserted. The extent and nature as well as the value of such improvements, the value of the land apart from the improvements, the nature of the soil, and all such other circumstances as shall or may effect the valuation.

Fifth—That such returns shall be submitted to the Governor in Council, and approved, altered, or modified, as the case may require.

Sixth—That any party or parties who shall think himself or themselves aggrieved by any of the said Returns may have his or their case considered upon Petition to the Governor in Council.

Seventh—That upon confirmation of any such return the same shall be communicated to the Commissioner of Crown Lands, and the land contained in such return shall be considered open for sale at the price stated in such return as confirmed, including the value of improvements, to the first person who shall apply for and pay for the same.

Eighth—That the seventh Rule shall not apply to lessees with unexpired leases, or to lessees with leases containing clauses for the renewal of the same, until the expiration of the term; unless such lessees shall select to become Purchasers, in which case they shall be entitled to purchase at the price stated in such return, upon payment of arrears of rent.

Ninth—That in case of expired leases which shall not have been renewed, and where lands shall have been occupied and improved without authority for the space of five years next before the first day of January last, the lessees on their assignees, or the occupant where there shall have been no lease, shall for the space of twelve Calendar months after the land

shall be offered for sale, be entitled to purchase the same and to be allowed a deduction for improvements, in no case to exceed 25 per cent. upon the purchase money.

Tenth—That all future sales shall be for money in hand.

Eleventh—That the Agents of the said Commissioner shall, under the direction of the said Commissioner, effect sales and receive monies, as well upon former sales as upon sales to be made by themselves, and shall without delay transmit the same to the principal office, deducting therefrom the same allowance as upon sales of Crown Lands.

Twelfth—That the securities of the said Commissioner and of the said Agents respectively, shall be extended to transactions in the sales of and receipts for Clergy Reserves.

Thirteenth—That upon production at the principal office of the receipt or receipts of any of the said Agents, the amount shall be credited upon the purchase and the Agent charged with the same, and upon payment in full the Commissioner aforesaid shall certify the same and Letters Patent shall issue to the purchaser.

Fourteenth—That transfers of sales made heretofore on credit, shall be made in the Books of the Commissioner of Crown Lands upon assignment executed and deposited in his office, and upon payment of the Instalments due upon the sale.

Now therefore Her Majesty in Council having taken the said Regulations into consideration, is pleased, by and with the advice of Her said Council, to approve thereof, and the same are hereby approved accordingly, and the Right Honorable Lord Stanley, one of Her Majesty's Principal Secretaries of State is to give the necessary directions herein accordingly.

(Signed)

WM. L. BATHURST.

PROVINCE OF }
CANADA. }

R. D. JACKSON.

*VICTORIA, by the Grace of GOD, of the United Kingdom
of Great Britain and Ireland, Queen, Defender of the
Faith, &c. &c. &c.*

To all to whom these presents shall come—

GREETING :

A PROCLAMATION.

WHEREAS at a Session of the Parliament of that part of Our Province of Canada formerly known as Upper Canada, holden at the City of Toronto, in Our said Province, on the Third day of December, one thousand eight hundred and thirty-nine, and prorogued on the Tenth day of February following, in the third year of Our Reign, a certain Bill, entitled "*An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned,*" and also a certain other Bill, entitled "*An Act to amend an Act passed in the Ninth year of the Reign of King George the Fourth, Chapter Two, entitled 'An Act for the relief of the Religious Societies therein mentioned,'*" were passed in the Legislative Council and Assembly, and were at the prorogation of the said Session, on the Tenth day of February aforesaid, presented to our Governor-General of our said Province, for Our Assent thereto, who, in pursuance of the authority vested in him by a certain Act of the Parliament of Great Britain, passed in the thirty-first year of the Reign of His late Majesty King George the Third, entitled "*An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and according to his discretion then and there declared that he reserved the aforesaid Bills for the signification of Our Pleasure thereon: NOW KNOW YE, that the aforesaid Bills, respectively, entitled "*An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned,*" and "*An Act to amend an Act passed in the Ninth year of the Reign of King George the Fourth, Chapter Two, entitled 'An Act for the relief of the Religious Societies therein mentioned,'*" having been laid before Us in Council, WE have been pleased to ASSENT to the same: AND WE do by these Presents, according to the provisions of the said Act, passed

in the thirty-first year of the Reign of His late Majesty King George the Third, ASSENT THERETO, of which all Our loving Subjects will take note, and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed: Witness Our Trusty and well-beloved SIR RICHARD DOWNES JACKSON, K. C. B., Administrator of the Government of Our said Province of Canada, and Lieutenant-General Commanding our Forces in British North America, &c. &c. &c., at Kingston, this Third day of December, in the year of our Lord one thousand eight hundred and forty-one, and in the fifth year of Our Reign.

R. D. J.

By Command.

S. B. HARRISON, *Secretary.*

ANNO QUARTO ET QUINTO
VICTORIÆ REGINÆ.

AN ACT to make provision for the Management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned.

[Royal Assent Promulgated 3rd December, 1841.]

WHEREAS it is desired on behalf of the United Church of England and Ireland, in the Province of Upper Canada, that provision should be made by law for the internal management, by the Members of the said Church, of the Temporalities thereof, and also for allowing the endowment thereof; and it is just and expedient that such provision should be made: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual*

provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That from and after the passing of this Act, the soil and freehold of all Churches of the Communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Province, and of the Church-yards and Burying-grounds attached or belonging thereto, respectively, shall be in the Parson or other Incumbent thereof, for the time being, and that the possession thereof shall be in the Incumbent for the time being, and the Church-wardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in Trustees for the use of the Church, or whether the legal estate remains in the Crown, by reason of no Patent having been issued, though set apart for the purposes of such Church, Church-yard or Burying-ground: Provided always, that nothing herein contained shall extend to affect the rights of any other Church, or Body of Christians, to any Landed Property, or Church now erected, but that the same shall remain as if this Act had not been passed.

II. And be it further enacted by the authority aforesaid, ~~That~~ all Pew-holders in such Churches, whether holding the same by purchase or lease, and all persons holding sittings therein, by the same being let to them by Church-wardens, and holding a Certificate from the Church-wardens of such Sitting, shall form a Vestry for the purposes in this Act mentioned and declared.

III. And be it further enacted by the authority aforesaid, That a meeting of such Vestry shall be holden on Monday in Easter week, in each and every year, after due notice thereof given during the Divine Service on the morning of Easter Sunday, for the purpose of appointing Church-wardens for the ensuing year; and that at such meeting one Church-warden shall be nominated by the Incumbent of the Parsonage or Rectory to which the said Church belongs, and the other shall be elected by a majority of those present and entitled to vote at such Vestry Meeting as aforesaid: Provided, nevertheless, that in case of such Incumbent declining or neglecting to nominate a Church-warden, then both of the said Church-wardens shall for the current year be elected in the manner aforesaid, and in case the Members of such Vestry shall neglect to elect a Church-warden, then both of such Church-wardens shall for the current year be nominated by the Incumbent: Provided always, that if from any cause a Vestry Meeting shall not take place at the time aforesaid, such

appointment of Church-wardens may take place at any subsequent Vestry Meeting to be called in manner hereinafter provided; and in case of the death or change of residence to twenty miles or more from any such Church, of either of the said Church-wardens, a Vestry Meeting shall be thereupon called, for the election, by the said Vestry, of a new Church-warden, in case the one deceased or removed had been elected by the Vestry, or for the nomination of a new Church-warden by the Incumbent, in case the one deceased or removed had been nominated by the Incumbent.

IV. And be it further enacted by the authority aforesaid, That no person shall be eligible to the office of Church-warden except members of the said Church of the full age of twenty-one years, and who shall also be Members of such a Vestry.

V. And be it further enacted by the authority aforesaid, That such Church-wardens shall hold their office for one year from the time of their appointment, or until the election of their Successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death or removal as aforesaid, and in such case the person so appointed or nominated shall hold the said office until the next annual election.

VI. And be it further enacted by the authority aforesaid, That such Church-wardens so to be elected and appointed as aforesaid, shall, during their term of office, be as a Corporation to represent the interest of such Church, and of the members thereof, and shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever, and may prosecute indictments, presentments and other criminal proceedings, for and in respect of such Churches and Church-yards, and all matters and things appertaining thereto, and shall and may in conjunction with the Rector or Incumbent, make and execute faculties or conveyances, or other proper assurances in the Law, to all Pew-holders holding their Pews by purchase, or leases to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings; such Conveyances, Leases and Certificates, to be given within a reasonable time after demand made, and at the charge of the person applying for the same; and further, it shall be the duty of such Church-wardens from time to time to sell, lease and rent, Pews and Sittings, upon such terms as may be settled and appointed at Vestry meetings to be holden for that purpose as hereinafter provided: Provided always, that

any such sale, lease or renting, shall be subject to such rent-charge or other rent as may from time to time be rated and assessed in respect thereof, at such Vestry meetings.

VII. And be it further enacted by the authority aforesaid, That in case of the absolute purchase of any Pew in any such Church as aforesaid, the same shall be construed as a Free-hold of Inheritance not subject to forfeiture by change of residence or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England; and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges, as the original purchaser thereof.

VIII. And be it enacted by the authority aforesaid, That any Pew-holder, whether by purchase or lease, and any person renting a Pew or Sitting, shall and may during their rightful possession of such Pew or Sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

IX. And be it further enacted by the authority aforesaid, That such Church-wardens so to be appointed as aforesaid, shall yearly and every year, within fourteen days after other Church-wardens shall be nominated and appointed to succeed them, deliver in to such succeeding Church-wardens a just, true, and perfect account in writing (fairly entered in a book or books to be kept for that purpose, and signed by the said Church-wardens,) of all sums of money by them received, and of all sums rated or assessed, or otherwise due and not received, and also of all goods, chattels, and other property of such Church or Parish in their hands as such Church-wardens, and of all monies paid by such Church-wardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels, and other things, which shall be in their hands, unto such succeeding Church-wardens; which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorised to administer the same; and the said book or books shall be carefully preserved by such Church-wardens, and they shall and are hereby required to permit any member of such Vestry as aforesaid, to inspect the same at all reasonable times, paying one shilling for such inspection, and in case such Church-wardens shall make default in yielding such account as aforesaid, or in delivering over such money, goods, or other things as aforesaid, it

shall be in the power of the succeeding Church-wardens to proceed against them at Law for such default, or to file a bill in equity for discovery and relief; and in case of the re-appointment of the same Church-wardens, then such account as aforesaid, shall in like manner as is aforesaid, be made and rendered before an adjourned meeting of such Vestry, fourteen days after such re-appointment.

X. And be it further enacted by the authority aforesaid, That it shall be in the power of the Incumbent of any such Parsonage, Rectory, or Parish as aforesaid, or of the Church-wardens thereof, to call a Vestry Meeting whenever he or they shall think proper so to do, and it shall be his and their duty so to do, upon application being made for that purpose in writing by six at least of the members of such Vestry as aforesaid; and in case upon such written application being made as aforesaid, such Incumbent and Church-wardens shall refuse to call such meeting, then one week after such demand made, it shall be in the power of any six of such members of the vestry to call the same by notice to be affixed on the outer Church door (or Church doors where more than one), at least one week previous to such intended meeting.

XI. And be it further enacted by the authority aforesaid, That in all Vestry Meetings, the Rector or Incumbent of the Church shall preside as Chairman when present, and in his absence, such person as the majority present at such meeting shall name; and the Vestry Clerk, when there is one and present, or in case there be no Vestry Clerk or he be absent, then such person as the Chairman shall name, shall be Secretary of such Vestry Meeting, and the proceedings of such Vestry Meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the Church-wardens.

XII. And be it further enacted by the authority aforesaid, That the rent-charge to be paid upon Pews holden in freehold, and the rent to be paid for Pews and Sittings in Pews leased or rented, shall be regulated from time to time at such Vestry Meetings as aforesaid: Provided, nevertheless, that no alterations shall be made therein, except at Vestry Meetings called for such special purpose, and so expressed in the notice calling the same; and further, that the charges to be made in respect of such conveyances, leases, and certificates, shall in like manner be regulated at such Vestry Meetings as aforesaid.

XIII. And be it further enacted by the authority aforesaid, That the Clerk of the Church, the Organist, the Vestry Clerk, the Sexton, and other subordinate servants of the Church, shall be nominated and appointed by the Church-wardens for the time being, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such Church-wardens.

XIV. And be it further enacted by the authority aforesaid, That the fees on Marriages, Baptisms, and other services of the Church of the like nature, and the charges payable on breaking the ground in the Cemeteries or Church Yards, and in the said Churches for burying the dead, shall be regulated by the Ordinary, or in case of there being no Ordinary, by the Bishop of the Diocese.

XV. And be it further enacted by the authority aforesaid, That it shall be in the power of the Members of such Vestries, at such Vestry Meetings as aforesaid, to make Bye-Laws for the regulation of their proceedings and the management of the Temporalities of the Church or Parish to which they belong, so as the same be not repugnant to this Act, nor contrary to the Canons of the said United Church of England and Ireland.

XVI. And be it further enacted by the authority aforesaid, That any deed or conveyance of land, or of personalty, that may be made to any Bishop of the said Church, in the said Province, and to his Successors, for the endowment of his See, or for the general uses of the said Church, as such Bishop may appoint, or otherwise, or for the use of any particular Church then erected, or thereafter to be erected, or for the endowment of a Parsonage, Rectory, or Living, or for other uses or purposes appurtenant to such Church in general, or to any particular Church or Parish, to be named in such deed, and any such deed or conveyance, to any Parson, or Rector, or other Incumbent, and his Successors, for the endowment of such Parsonage, Rectory, or Living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such deed or conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, Laws, or usages, to the contrary thereof notwithstanding; Provided always, that in order to the validity of such deeds and conveyances, the same shall be made and executed six months at the least before the death of the person conveying the same, and shall be registered not later than six months after his decease.

XVII. And be it further enacted by the authority aforesaid, That in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, and to endow the same with a sufficiency for the maintenance of such Church and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him, or them, to do so, upon procuring the License of the Bishop, under his hand and seal, for that purpose; and thereupon, after the erection of a suitable Church, and the appropriation by the founder thereof, of such Church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof, and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church, such provision being made to the satisfaction of the Bishop, such Founder, his Heirs and Assigns, being Members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such Church, as an advowson in fee presentative, according to the Rules and Canons of the said United Church of England and Ireland.

XVIII. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, in any manner, to confer any Spiritual Jurisdiction or Ecclesiastical Rights whatsoever upon any Bishop or Bishops, or other Ecclesiastical Person, of the said Church, in the said Province of Upper Canada.

