

## REPORT

*Of the Select Committee of the Legislative Council, upon the Clergy Reserve Lands Disposition Bill, and an amendment to the same, submitted by them for the adoption of the House.*

YOUR COMMITTEE to whom was referred the Bill sent up from the Assembly, relating to the disposal of the Clergy Reserves in this Province, have prepared the following Amendments, which they respectfully recommend for the adoption of Your Honourable House :

After "Whereas," in the Preamble, strike out the remainder of the Bill, and insert as in the annexed draft.

R. B. SULLIVAN,  
CHAIRMAN.

COMMITTEE ROOM, }  
30th April, 1839. }

FOR the advancement of the Christian Religion, and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents, and proceeds of sales thereof, in aid of the maintenance of the Ministers of Religion: *Be it therefore enacted, &c.* That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all, or any portion of the Clergy Reserves in this Province, in like manner as other Lands of the Crown now are, or shall be sold or alienated: *Provided always*, that the necessary expenses attending such sale, shall be defrayed out of the first monies arising therefrom.

2. *And be it further enacted, &c.* That the Letters Patent alienating such Lands, shall describe the same as Clergy Reserves, and that no further reservation in respect of such Lands shall be necessary.

3. *And be it further enacted, &c.* That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to cause to be invested, the monies proceeding from such sales, and also, all monies which have heretofore arisen from such sales, in the public funds in the name of the Receiver General, in England, or in the public Debentures of the Province; and such investment to withdraw and change, in the whole or in part, from time to time, as circumstances may require.

4. *And be it further enacted, &c.* That it shall and may be lawful for the Lieutenant Governor, by and with such advice as aforesaid, in the name of Her Majesty, Her Heirs and Successors, to grant and appropriate portions of the said Reserves, not exceeding one hundred acres in each case, as residences for officiating Clergymen or Ministers of Religion, and for the building Churches, Chapels, and places of Public Worship therein; and in case such Clergy Reserves shall not be found in the neighbourhood required, to procure by exchange of such Clergy Reserve, not exceeding one hundred acres, or by purchase, for any sum not exceeding ——— in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the Lands so required for such purposes, which grant or appropriation shall be made to the officiating Clergyman and his Successors, as a Corporation sole, or to Trustees, named for the purpose by the respective Congregations, as the tenets and discipline of such Churches or denominations of Christians shall respectively require.

5. *And be it further enacted, &c.* That it shall and may be lawful for the Lieutenant Governor, with the advice of the Executive Council, to order and direct, by his Warrant, the payment of the yearly stipends at present payable to the Clergy or Ministers of Religion, out of public funds in this Province, to be paid out of the yearly interest accruing on sales of the said Clergy Reserves, and upon the investment of the proceeds thereof, during the incumbency of the present Clergymen or Ministers.

6. *And be it further enacted, &c.* That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to appropriate and direct the payment, out of the said interest money, of stipends, towards the support of Clergymen and Ministers of Religion, duly appointed, according to the rules of their respective Church or Congregation, in the following cases: that is to say—whenever there shall be shewn to the said Lieutenant Governor in Council, that there is resident within reasonable distance of any Church, Chapel, or place of Public Worship, a population of adults, who shall subscribe a declaration, setting forth their desire to attend such Church, Chapel, or place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion, a yearly sum of money, not less than ——— Pounds, then and in such case, the public stipend or salary to be paid to such Clergyman or Minister of Religion, shall be equal to the said private subscription; *Provided always*, that in no case shall such public stipend amount to more than ——— Pounds.

7. *And be it further enacted, &c.* That the interest money aforesaid shall be chargeable in the first place, with the stipends or salaries of the Clergy, or Ministers of Religion, now paid out of any public funds in this Province; and that in the case of alteration, by death, or removal of any of the said incumbents, and also in case of the establishment of new Churches, Chapels, and places of Public Worship, the interest money aforesaid shall be paid and distributed as in this Act directed, preference and priority being given according to the priority of time in the building such Church, Chapel, or place of Public Worship, and to the priority of time in subscribing and paying a Clergyman or Minister of Religion attached thereto, out of private funds as aforesaid.

8. *And be it further enacted, &c.* That a book shall be kept in the office of the Provincial Secretary and Registrar, in which shall be yearly entered, the Township or place at which each Church, Chapel, or place of Public Worship, shall be erected; the name of the officiating Clergyman; the number of adults attached to his Congregation; and the name of the Church, or denomination of Christians to which he belongs: which entries shall be founded on yearly returns, signed by the respective Clergymen or Ministers of Religion, certified under the hands of at least twelve Freeholders of his Congregation.

9. *And be it further enacted, &c.* That no public aid, under this Act, shall be given to any Clergyman or Minister of Religion, who shall not in the first place, take and subscribe the Oath of Allegiance, and who is not a natural-born, or naturalized Subject of the British Crown.

10. *And be it further enacted, &c.* That no public aid shall be extended to any Clergyman or Minister of Religion, who shall not produce satisfactory proof of his ordination and appointment, by authority of some Church or Denomination of Christians, having within this Province, or within Her Majesty's Dominions, due power of ordination and appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious duties, without secular employment.

11. *And be it further enacted, &c.* That in any case of one Clergyman or Minister of Religion having the care of two or more Congregations, amounting in number to one hundred adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay, towards the support and maintenance of such Clergyman or Minister of Religion, a sum not less than ——— as in the said clause mentioned, then and in such case, and until the said Congregations shall increase, so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such Clergyman or Minister of Religion, in like manner as if the private aid and subscription came from one Congregation.

12. *And be it further enacted, &c.* That nothing in this Act contained shall extend, or be construed to extend, to interfere with or deprive any Bishop, Synod, Conference, or other Church Government, of any power of appointment, suspension, or deprivation of any Clergyman or Minister of Religion, but that the functions of Church Government in the several Churches and Denominations of Christians, shall continue to be exercised as heretofore;

and that no Clergyman or Minister of Religion shall be considered as having any right to any of the public aid, stipend, or land, or benefit, other than he shall hold under, during, and by virtue of his incumbency.

13. *And be it further enacted, &c.* That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament, within one month from the beginning of such Session.

14. *And be it further enacted, &c.* That the thirty-fifth, thirty-sixth, and thirty-seventh clauses of an Act passed in the Parliament of Great Britain, 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," be, and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant Clergy.

15. *And be it further enacted, &c.* That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, Law or Usage, to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes, or Church Dues, or other compulsory payments, for the support of Religion, or exercise any temporal or ecclesiastical jurisdiction over the Laity, or over any Clergy or Ministers not belonging to his or their Church, or Denomination of Christians.

Canadian

4th Sess. 13th Prov. Par. 2d Victoria, 1889.

**R E P O R T**

*Of the Select Committee of the Legislative Council, upon the Clergy Reserve Lands Disposition Bill; and an Amendment to the same, submitted by them for the adoption of the House.*

Printed by Order of the Hon. the Legislative Council.

R. Stanton, Printer to the Queen's Most Excellent Majesty.