

## CLERGY RESERVE ACT.

We give as under a copy of the act of the Imperial Parliament concerning the Reserve lands of this Province. We have perused it with some care, and if our understanding of it be correct, we think it is calculated to settle this long agitated question in all time coming, both from the regard manifested in it to the constitutional rights of the established churches, as well as to the equitable demands of other denominations of christians in the Province. That our readers might have a perfect understanding of the whole matter, it would be needful to furnish them with arithmetical details, but not having the necessary documents, we can do nothing more than state the proportional distribution, as laid down in the present act, which repeals so far all prior ones. It appears there are two separate funds, the interest of which is to be appropriated to the end specified in the act: The former consisting of the proceeds of the reserves sold under the act 8th Geo. IV. Nominally from this fund, though really from the revenues of the Crown, the Church of England at present receives the yearly sum of £7,700, and the Church of Scotland £1,580. But when the interest arising from the above mentioned fund exceeds these payments, a different division is provided for; the Church of England being to receive two-thirds, and the Church of Scotland one-third of the same. The latter fund is stipulated to consist of all sales of reserve lands under this present act—and the proceeds being invested, the interest thereof shall be divided into six parts—the Church of England receiving two parts—the Church of Scotland one—and the remaining three parts to be applied by the Governor and Council for purposes of public worship and of religious instruction. An important proviso however is here introduced which will limit the shares of the two established churches under this act—that what they respectively receive as their shares of the former fund, shall be counted in determining their shares of the latter. The only other particular that we think necessary to mention is that the share of the Church of England is to be expended under the authority of the Society for the Propagation of the Gospel in Foreign Parts, and the share of the Church of Scotland under the authority of nine commissioners to be elected by the Synod of the Presbyterian Church. We understand

that what influenced the Government in fixing the share of our Church lower than that of the Church of England was the census of the population—and with much justice we must demur as to the accuracy of that document, for in diverse parts of the province, it would be easy to demonstrate that the proportion of the Presbyterian population to the Episcopalian has been greatly underrated. The articles that have at different times appeared in the Magazine, on this controversy, were penned under the solemn conviction, that the act of union secured unto us equal rights and privileges under the British Crown, with our Protestant brethren of the Episcopal church. These rights and privileges have been so far admitted in Canada, by the act which follows, but as the equity of the settlement made, is not in accordance with the principles admitted and established by the act, the proper time may soon arrive for removing the objections which may be with propriety urged against it.

ANNO TERTIO ET 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, Provided 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.

11. 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 authorise 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, or