

No. 2.
Message from
the
Governor General,
6th January 1840.

Draft of Bill.

Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for the Governor, by and with the Advice of the Executive Council, and under such Rules and Regulations as may be from Time to Time in Council established in that Behalf, to sell, alienate, and convey, in Fee Simple, all or any of the said Clergy Reserves; provided always, that in the Letters Patent granting such Lands they shall be designated as Clergy Reserves, and that no Reservation of Lands in respect of such Grants shall be necessary, any thing in the Act of the Imperial Parliament 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," to the contrary notwithstanding.

2. And be it enacted, That the Proceeds of all past Sales of such Reserves which have been or may be invested under the Authority of a certain other Act of the Imperial Parliament passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, entitled "An Act to authorize the Sale of Part of the Clergy Reserves in the Provinces of Upper and Lower Canada," shall be and the same are hereby declared to be subject to such Orders and Directions as the Governor in Council shall from Time to Time make and establish for continuing the Investment thereof in the same Funds and upon the same Securities as at present, or for investing them in and upon any other Funds or Securities in Great Britain or in this Province.

3. And be it enacted, That the Proceeds hereafter to be received from the Sales of all or any of the said Reserves, or any Part thereof, may in like Manner be invested, and the Investment thereof be changed by the Governor in Council; provided always, that the necessary Expenses of such Sales shall be borne and defrayed out of the first Monies received therefrom.

4. 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, and that 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 may 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 this Province, and to which the Faith of the Crown is pledged, for and during the natural Lives of the Parties at present receiving and enjoying the same: Provided always, that until the annual Fund so to be created and deposited with the 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, as at present, out of the casual and territorial Revenue of the Crown.

5. 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, One Half of the said annual Fund shall be allotted and appropriated to the Churches of England and Scotland in this Province, the said Church of Scotland to be held to include the Presbyterians of the United Synod in Upper Canada, and shall be divided between them in proportion to the Number of their respective Members, to be ascertained as herein-after provided; and the Share of each of the said Churches of England and Scotland (the latter including as aforesaid) shall be paid by the Receiver General in discharge of any Warrant or Warrants which may be issued by the Governor in favour of the Treasurer or other Officer who shall be appointed by such Churches respectively, according to the Form and Mode of their Ecclesiastical Constitution; and the Amount so received shall