

APPENDIX III.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of the Rev. Robert Dobie, v. the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, et al. from the Court of Queen's Bench, delivered 21st January, 1882.

Present :

LORD BLACKBURN.

LORD WATSON.

SIR BARNES PEACOCK.

SIR MONTAGUE SMITH.

SIR ROBERT P. COLLIER.

SIR RICHARD COUGH.

SIR ARTHUR HOBHOUSE.

The first question raised in this appeal is whether the Legislature of the Province of Quebec had power, in the year 1875, to modify or repeal the enactments of a statute passed by the Parliament of the Province of Canada in the year 1858 (22 Vict., cap. 66), entitled "an Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland,"

The fund subject to the administration of the Board constituted by the Act of 1858 consisted of a capital sum of £127,448 5s sterling, which was paid by the Government of Canada under the following circumstances: The ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland, were entitled by virtue of certain Imperial statutes, to an endowment or annual subsidy out of the revenues derived from colonial lands, termed clergy reserves, and from moneys obtained by the sales of portions of these lands, supple-