as appurtenant or belonging to or appropriated for a Rectory, and providing for the investment of the proceeds, and the application of the income therefrom, and under the provisions of that Act and of a subsequent Act, the Rector of St. James' is entitled to $5,000 per annum out of the income arising from the invested funds derived from the sale of such lands.

Under the authority of these Acts sales have been made of a large part of the 800 acres described in the letters patent creating the Rectory, and over $10,000 thus realized by such sales has been invested by the Synod.

This Vestry contends that the Act applies only to the 800 acres set apart and appropriated for the endowment of the Rectory by the letters patent establishing the Rectory, and the proceeds of sales thereof, and that the Act does not apply to the lands in Toronto, granted and conveyed to Trustees as a churchyard and burying ground and appurtenant to the church, which was erected long prior to the creation of a Rectory.

The city Clergy, however, assumed that they were entitled to the whole income arising from the whole endowment (except $5,000), to be paid to our Rector out of the invested funds.

The present Rector having declared to us that all income to which he, as Rector or Incumbent of this Church, may be entitled, in excess of the $5,000, shall be applied by him toward the enlargement and support of the Ministry of the Church, and in the promotion of the spiritual work in which the congregation, as such, may be engaged, it was deemed expedient to resist the claim made by the city Clergy, and to assert the rights of the Rector to the income in excess of $5,000, which are now, in fact, the rights of the congregation; such income in excess to be used by him, as aforesaid, for the increase and support of the Ministry.

In June last instructions were given by the Synod to submit a special case, so that the opinion of the Court might be obtained upon the questions in dispute.