

to do so. In April 1838, in the editorial columns of *The Church* newspaper, I ventured to express myself to this effect :—

“ We would add a few words upon that clause in the Act which makes provision for the repeal or variation of the law that establishes the Clergy Reserves. We cannot upon a re-perusal of this clause, repress our astonishment that, after all the discussion which has taken place upon this subject, the fact should have been overlooked or so little dwelt upon, that this power to ‘ vary or repeal ’ the law cannot possibly have been meant to apply to *past* reservations, and cannot possibly have reference to any other than *future* appropriations. The meaning of the clause is surely simply this :—A certain reservation is made in a stated proportion to the amount of lands in a country, but the time may come when it shall be found expedient either to ‘ vary ’ the amount of proportion, or to cease from making it at all ; and therefore, to meet this contingency, a provision is contained in the Act for such ‘ variation or repeal.’ For what sense or pertinency could the term ‘ vary ’ be thought to have, if it did not apply merely to the power of changing the proportion,—for example, of the *seventh* to the *tenth*, or the *twentieth*, as circumstances might require ? And considering that every title-deed issued from the Crown contains a specification of the allotment of this seventh in relation to the amount of the grant, what ‘ repeal ’—without involving contradictions and confusions innumerable—could be meant other than the power, after a certain amount of reservation had been made, of stopping all *further* appropriations ? Without pretending to advance any other view than what common sense seems to dictate upon this point, we shall venture to say, that if the meaning of this provision to “ vary or repeal ” should be submitted to the *twelve Judges of England*, they would come to the conclusion for which we contend.”

On the 13th April, 1840, the Judges of England, in giving their opinion upon the interpretation of the Clergy Reserves’ Act, expressed themselves, on the point to which I refer, as follows :—

“ MY LORDS,—In answer to the question secondly put to us, we are all of opinion that the effect of the forty-first section of the Statute is prospective only, and that the power thereby given to the Legislative Council and Assembly of either of the Provinces cannot be extended to