

in Upper Canada, for the management of the Clergy Reserves, will in point of law be invested with the power of granting leases of those lands, His Majesty's government is not to be held responsible to the company, if any intermediate leases shall actually be granted ; a contingency, however, which it may be presumed is highly improbable. To obviate any danger of misconception upon so important a subject, it is to be most distinctly understood, that the present arrangement is not in any degree whatever to affect the right of the clergy of the province, or of the corporation established for the management of the clergy estates, or of the King as head of the church in Canada, to manage, cultivate, and settle that portion of the Clergy Reserves which is not to be included in the sales to the company ; but that when the portion of the Clergy Reserves which is still to be reserved to the clergy, shall be ascertained and set apart, as is subsequently mentioned, every restriction upon the corporation, in respect of granting leases or otherwise, relating to the management of such portion of the Clergy Reserves, shall be at an end.

8th.—The lands to be granted to the company when incorporated will be conveyed to them in fee simple, to be held in free and common soccage.

9th.—The company will have no claim to become purchasers of any lands which may be reserved for the Crown or for the clergy, in any townships which may be laid out in any part of the province subsequently to the 1st day of March 1824.

10th.—It is arranged, that so soon as the proposed charter of incorporation shall have passed the great seal (and sooner, if the company should think fit), five commissioners shall be appointed, who shall proceed to Upper Canada, with power to ascertain the quantity and to determine the price to be paid by the company, for the said reserved lands.

11th.—Of the five commissioners, two will be nominated by Lord Bathurst, and two by the committee or court of directors of the proposed company. These nominations being made, the court of directors shall then name three other persons as candidates for the office of fifth commissioner. If any two of the four first named commissioners concur in objecting to any one or more of the three candidates, the name or names of the person or persons so objected to shall be withdrawn, and other names substituted by the court of directors, until three candidates shall be named, to no one of whom any two of the four first named commissioners concur in objecting ; of these three candidates, Lord Bathurst will select one, who will be the fifth commissioner.

12th.—The decision of the commissioners in every case will be guided by the majority in number of votes. The senior commissioner appointed by the Crown will be the permanent chairman of the commission.

13th.—In the event of a vacancy occurring, by the death, resignation, incapacity, or permanent sickness of any commissioner, the vacancy is to be supplied by the same party and in the same method as the commissioner creating the vacancy was himself appointed ; but until the successor can be nominated in England, a provisional appointment may be made in the province, either by the lieutenant-governor, if the commissioner creating the vacancy was appointed by the Crown, or by the surviving or continuing commissioner of the company, if the commissioner creating the vacancy was appointed by the company, or in the mode prescribed in the preceding paragraph, No. 11, if the commissioner should create the vacancy ; the lieutenant-governor will in that case have the right of selection from the three candidates presented to him. A secretary will be attached to the commission, to be appointed by the commissioners themselves, with a salary not exceeding £500.

14th.—The remuneration of the two commissioners nominated by Lord Bathurst will be provided for by his Majesty's government ; the company will remunerate the commissioners appointed by themselves. The remuneration of the fifth commissioner and of the secretary, and all the expenses which may be reasonably incurred by the commissioners in travelling or otherwise, by reason and in the execution of the commission with which they are to be charged, will be equally divided between His Majesty's government and the company.