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U P P E R C A N A D A.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 31 March 1840:—for,

RETURN of the RELIGIOUS BODIES OR DENOMINATIONS of CHRISTIANS, who
would be entitled, in the event of the Royal Assent being given to the
CLERGY RESERVES BILL, passed by the Legislature of *Upper Canada*, to
receive a Portion of the Proceeds of the Reserved Lands.

Colonial Office,
Downing-street, 9 April 1840. }

R. VERNON SMITH

(*Mr. Pakington.*)

Ordered, by The House of Commons, to be Printed,
9 April 1840.

U P P E R C A N A D A.

No Return has been received by the Colonial Department from Upper Canada of the Religious Bodies who would be entitled, in the event of the Royal Assent being given to the Clergy Reserves Bill, passed by the Legislature of Upper Canada, to receive a portion of the Reserves Fund. The clause in the Bill under which the distribution is made, provides that the residue of that fund, after the Churches of England and Scotland have received their moiety, "shall be divided among the other religious bodies or denominations of Christians now recognized by the constitution and the laws of this Province."

The following are the principal Acts, besides the Constitutional Act of 1791, relating to Religious Bodies. All these laws have been in operation since the date they were passed, with the exception of the Act 1 Will. 4, c. 1, which having been reserved by the Lieutenant-governor for the signification of His Majesty's pleasure thereon, was specially confirmed on the 2d March 1831.

— 1. —

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10 Geo. 4, c. 18.—An Act to enable the Trustees of the Methodist Episcopal Church in York to exchange certain Real Estate now holden by them for other Real Estate in or near the said Town of York - - - - - p. 8

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7 Will. 4, c. 56.—An Act to Incorporate certain Persons therein named as a Board of Trustees, for the erection, superintending, and management of a Roman catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other Purposes therein mentioned - - - - - p. 11

U P P E R C A N A D A.

— 1. —

9 Geo. 4, c. 2.—AN ACT for the Relief of the Religious Societies therein mentioned.

[Passed 25th March 1828.]

WHEREAS religious societies of various denominations of Christians find difficulty in securing the title of land requisite for the site of a church, meeting-house or chapel, or burying-ground, for want of a corporate capacity to take and hold the same in perpetual succession: And whereas it is expedient to provide some safe and adequate relief in such cases; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that whenever any religious congregation or society of Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers, or Moravians, shall have an occasion to take a conveyance of land for any of the uses aforesaid, it shall and may be lawful for them to appoint trustees, to whom and their successors, to be appointed in such manner as shall be specified in the deed, the land requisite for all or any of the purposes aforesaid may be conveyed, and such trustees, and their successors in perpetual succession by the name expressed in such deed, shall be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions in law or equity for the protection thereof, and of their right thereto.

Preamble.

Provision in behalf of certain religious societies, allowing lands to be held for their use by trustees and their successors in perpetual succession.

2. And be it further enacted, by the authority aforesaid, that there shall not be held in trust for the purposes aforesaid more than five acres of land for any one congregation.

No one congregation shall hold more than five acres.

3. And be it further enacted, by the authority aforesaid, that such trustees shall, within 12 months after the execution of such deed, cause the same to be registered in the office of the register of the county in which the land lies.

Trust-deeds to be registered.

4. And be it further enacted, by the authority aforesaid, that all conveyances made before the passing of this Act, for all or any of the purposes aforesaid, shall be good and valid in law, in like manner as if the same had been made after the passing of this Act, and subject to the provisions of this Act, provided such conveyance shall have been already registered, or shall be hereafter registered as aforesaid, within 12 months after the passing of this Act.

Conveyances heretofore made for the purposes of this Act made valid.

Registry.

— 2. —

1 Will. 4, c. 1.—AN ACT to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.—[Passed March 1829.]

(The Royal Assent to this Bill was signified, by Message of his Excellency the Lieutenant-governor, to the Legislative Council and Assembly of this Province, on the 2d day of March 1831.)

WHEREAS doubts have arisen respecting the legality of certain marriages heretofore contracted and solemnized in this Province: And whereas the parties thereto, and their issue, may be subject to disabilities unless such marriages be confirmed by law; in order therefore to afford relief to such persons, and establish the legitimacy of their issue, be it therefore enacted, by the King's Most

Preamble.

UPPER
CANADA.

Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that the marriage or marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this Province before any justice of the peace, magistrate, or commanding officer of a post, or before any minister or clergyman, before the passing of this Act, shall be and are hereby confirmed, and shall be considered good and valid in law; and the parties to such marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations resulting from marriage and consanguinity, any law, usage, or custom to the contrary in anywise notwithstanding.

Former marriages confirmed.

Method of preserving testimony of former marriages.

2. And to enable any person who may be desirous to preserve the evidence of their marriage, and of the birth of their children, be it further enacted, by the authority aforesaid, that it shall and may be lawful, at any time within six years after the passing of this Act, for any justice of the peace, at the request of either of the parties, to administer the following oath or affirmation, as the case may be, to the husband and wife, or either of them:—"I, *A. B.* do solemnly swear or affirm (as the case may be), that I did publicly intermarry with *C. D.* at on the day of in the year of our Lord and that there is now living issue of the said marriage, (as the case may be), *T. B.* born on the day of *M. B.* born on the day of and that such marriage was solemnized by *M. D.* of the district of ." Which form of attestation shall be subscribed by the party making the same, and certified under the hand and seal of the justice administering the said oath or affirmation, who shall be entitled to receive therefor 1 s.; and it shall be the duty of the clerk of the peace, upon payment of the sum of 2 s. 6 d., to enter and record such attestation, duly certified as aforesaid, in a register or book, to be by him kept for that purpose, and such register, or an attested copy thereof, shall be considered sufficient evidence of such marriage and of the birth of the said children; and the said clerk of the peace is hereby required to give such copy duly certified to any person demanding the same upon payment of 2s.: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to make valid any marriage illegally solemnized, when the parties to such illegal marriage, or either of them, shall have subsequently contracted matrimony according to law.

Former marriages not to be rendered valid where a subsequent marriage has been legally contracted.

Ministers of certain denominations authorized to solemnize matrimony.

3. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any clergyman or minister of any church, society, congregation, or religious community of persons, professing to be members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, or Moravians, who shall be authorized in manner hereinafter mentioned, to solemnize the ceremony of marriage within this Province between any two persons, neither of whom is under any legal disqualification to contract matrimony.

Certificate to be obtained from the quarter sessions by ministers before they can solemnize matrimony.

4. Provided nevertheless, and be it further enacted, by the authority aforesaid, that no person shall be taken or deemed to be a clergyman or minister of such church, society, congregation, or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and form of such church, society, congregation, or religious community of which he professes to be a clergyman or minister, and unless he shall be a subject of His Majesty, and shall appear before the justices of the district in which he shall reside, in general quarter sessions assembled, and unless he shall produce proof of his ordination, constitution, or appointment as such minister, and shall then and there take the oath of allegiance to His Majesty, which oath the said court shall then and there administer, and thereupon, if it shall appear to the majority of the justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorized and required to grant him a certificate under the seal of the court, and signed by the chairman and the clerk of the

the peace, for which the said clerk shall be entitled to receive the sum of 5s., certifying him to be a minister or clergyman of such church, society, congregation, or religious community, which certificate may be in the following form:—

“Be it remembered, that at the general quarter sessions of the peace, holden at _____ in and for _____ district, on the _____ day of _____ in the year of our Lord _____ before A. B. and others, esquires, justices of our Sovereign Lord the King, assigned to keep the peace in the said district, came C. D. of _____ who professes to be a minister or clergyman of the church, society, congregation, or religious community (as the case may be). It appeared to a majority of the justices that he the said C. D. was duly ordained, constituted, or appointed (as the case may be), a minister or clergyman of the said church, society, congregation, or religious community.

“E. F. Chairman.”

“G. H. Clerk of the Peace.”

5. Provided also, and be it further enacted, by the authority aforesaid, that no such minister or clergyman shall at any time celebrate the ceremony of marriage between any two persons as aforesaid, unless such their intention of marriage shall have been declared openly and in an audible voice in the church, chapel, meeting-house, or place of public worship of such congregation or religious community, on three several Sundays, either in some intermediate part of the service, or immediately before it began, or immediately after it ended, together with the number of times the said declaration shall have respectively been made, or unless such minister or clergyman shall have been duly authorized by licence under the hand and seal of the Governor, Lieutenant-Governor, or person administering the government of the Province, to celebrate the said ceremony between the two persons therein named.

Banns to be published or licence obtained before the solemnization of any marriage.

6. And be it further enacted, by the authority aforesaid, that every minister or clergyman, or justice of the peace, who has been or shall be authorized to celebrate marriage by virtue of this Act, or any other Act of this Province, shall, if required at the time by either of the parties married by such minister, clergyman, or justice of the peace, give a certificate under his hand of such marriage, specifying in such certificate the names of the parties, the time, and the names of two or more persons who witnessed such marriage, and whether such marriage has been solemnized by licence or by publication of banns; and also once in every 12 months return a certified list under his hand of all marriages by him solemnized within the said term of 12 months, or since his last preceding return, to the clerk of the peace in and for the district in which such marriages shall have been respectively solemnized, specifying in such list the names of the parties so by him married, the respective dates of such marriages, and the names of two or more persons who witnessed each of said marriages, and whether such marriages respectively shall have been solemnized by licence or publication of banns, and such minister or clergyman, or justice of the peace, shall, at the time of returning a certified list as aforesaid, pay to the said clerk of the peace the sum of 2s. 6d.; and it shall thereupon be the duty of the said clerk to record the said certified list in the register or book required by law to be kept by him of the registry of certified marriages of members of the Church of Scotland, Lutherans, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, Presbyterians, or Moravians; and such register, or a certified copy thereof, shall be considered, in case of the death or absence of the witnesses to any marriage, a sufficient evidence of the said marriages; and the said clerk of the peace is hereby required to give such copy of the registry of any of the said marriages, duly certified, to any person demanding the same, upon the payment of 2s.; and if any such minister or clergyman, or justice of the peace, shall refuse or neglect to return such certified list as aforesaid, he shall forfeit and pay the sum of 40l., to be recovered by action of debt in His Majesty's Court of King's Bench, one moiety thereof to the use of the informer who shall sue for the same, and the other to be paid to the receiver-general of this Province, to and for the use of His Majesty, his heirs and successors, for the public uses of this Province, and the support of the civil government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Certificate of marriage to be given by the person solemnizing the same.

Return of marriages to be made annually to the clerk of the peace.

Clerk of the peace to record such return, which shall be evidence.

Persons neglecting to make returns to forfeit 40l.

UPPER
CANADA.

(See 50 Geo. 3, c. 11.)

49 Geo. 3, c. 6.—AN ACT for the Relief of Menonists and Tunkers, in certain cases.

[Passed 9th March 1809.]

Preamble.

WHEREAS the religious societies of the Menonists and Tunkers, from scruples of conscience against taking an oath, are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that from and after the passing of this Act, every Menonist or Tunker, in any case in which an oath is required by law, or upon any lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker by the laws now in force is required to do, having first made the following affirmation or declaration, that is to say:

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that I am one of the society of Tunkers or Menonists," [as the case may be.]

Which affirmation or declaration as aforesaid of any Menonist or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes, in all courts of justice and other places where by law an oath is or shall be allowed, authorized, directed, or required, as if such Menonist or Tunker had taken an oath in the usual form, and all and every person or persons who is, or are, or shall be authorized or required to administer any oath required by any law now in force or hereafter to be made, although no express provision is made for the purpose in any such law, shall be, and is or are hereby required to administer such affirmation or declaration.

False affirmation subject to the like punishment with that of a false oath.

2. And be it further enacted, by the authority aforesaid, that if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form upon oath would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities as by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Disabilities of Menonists and Tunkers. (See 50 Geo. 3, c. 11.)

3. And be it further enacted, by the authority aforesaid, that no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the government in this Province, anything herein contained to the contrary notwithstanding.

50 Geo. 3, c. 11.—AN ACT for the Relief of Minors of the Societies of Menonists and Tunkers.

[Passed 12th March 1810.]

Preamble.

WHEREAS the sons of Menonists and Tunkers, who are minors, cannot avail themselves of the indulgence intended to be granted them by the 27th clause of an Act passed in the 48th year of His present Majesty, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province," by reason of not being able to obtain the certificate required by the abovementioned Act until they shall have attained the age of 21 years, according to the rules

rules and regulations of the said societies ; for remedy whereof, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, "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," and by the authority of the same, that the sons of Menonists and Tunkers liable to serve in the militia under the age of 21 years, shall, instead of the certificate required by the abovementioned Act, produce a certificate, stating his name, that his father is a Menonist or Tunker (as the case may be), and that such minor is brought up and educated in the principles of the Menonists or Tunkers (as the case may be), which certificate shall be signed by the clerk of the meeting of such society, or by any three or more of the people called Menonists or Tunkers ; such minor shall then be entitled to all the benefits and indulgences in the said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

Certificate to be produced by the sons of Menonists and Tunkers, under the age of 21 years, to entitle them to the indulgence granted to them from serving in the militia, by the 48 Geo. 3, c. 1, s. 27, in place of the certificate required by the statute. (49 Geo. 3, c. 6.)

— 5. —

2 Geo. 4, c. 29.—AN ACT to empower certain Trustees therein mentioned to sell and convey a certain Lot of Land in the Town of York, and to purchase another Lot or Tract of Land for the use and accommodation of a Roman-catholic Congregation.

[Passed 14th April 1821.]

WHEREAS by letters patent under the great seal of this Province, bearing date the 25th day of March 1806, a certain lot of land in the town of York, in the Home district, described as lot No. 6, on the corner of George and Duke-streets, containing about one acre of land, was granted to the Honourable James Baby, the Rev. Alexander M'Donell, and John Small, Esq., in trust for the use and accommodation of a Roman-catholic congregation, in the said town of York and its vicinity: and whereas it hath been represented by the said trustees, that the said lot of land is insufficient and inconvenient for the use and purposes intended by the said grant; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,' " and by the authority of the same, that the said trustees be empowered and authorized, and they or any two or more of them are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey in fee simple the aforesaid lot of land, described as lot No. 6, on the corner of George and Duke-streets, in the town of York aforesaid, with its appurtenances, unto such person or persons as may be disposed to purchase the same.

Preamble.

Trustees of a certain lot of land in York to the use of a Roman-catholic congregation allowed to sell the same,

2. And be it further enacted, by the authority aforesaid, that the trustees aforesaid, or any two or more of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the lot of land aforesaid in the purchase of such other lot or tract of land in or near the town of York aforesaid, as they the said trustees shall in their discretion deem to be proper and convenient for the use and accommodation of a Roman-catholic congregation in the said town of York and its vicinity; and the said trustees, or any two or more of them, are hereby empowered and required to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money aforesaid, in trust for the use and purposes aforesaid, and with succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the use and purposes aforesaid, according to the true intent and meaning of the letters patent hereinbefore mentioned.

and to purchase other land in York in trust for the same purpose.

UPPER
CANADA.

— 6. —

10 Geo. 4, c. 1.—AN ACT to provide for the admission of the Evidence of Quakers, Menonists, Tunkers, and Moravians, in Criminal Cases.

[Passed 20th March 1829.]

Preamble.

WHEREAS the administration of the law in criminal proceedings is much impeded by reason that the evidence of persons belonging to certain religious sects, who from scruples of conscience decline taking an oath, cannot be received, to the impunity of offenders, and the consequent encouragement of crime; for remedy whereof, be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that from and after the passing of this Act, every Quaker, Menonist, or Tunker, or person being a member of the church or congregation known by the name of "Unitas Fratrum," or the United Brethren, sometimes otherwise called the Moravian Church, in any criminal case in which an oath is required by law, or upon any lawful occasion whatever in the administration of the law, for the prevention or punishment of offences wherein the oath of any persons can be admitted, may make his or her affirmation or declaration in these words following; (that is to say), "I, *A. B.* do solemnly, sincerely, and truly declare and affirm," having first made the following declaration or affirmation, viz. "I, *A. B.* do solemnly, sincerely, and truly declare, that I am one of the society called Quakers, Menonists, Tunkers, or Unitas Fratrum, or Moravians" (as the case may be), which affirmation or declaration as aforesaid of any Quaker, Menonist, Tunker, or person being of the said church or congregation called Moravians or United Brethren, shall be and is hereby declared to be of the same force and effect to all intents and purposes, in all courts of law or other places where by law an oath is or shall be allowed, authorized, directed, or required for the purposes aforesaid, as an oath taken in the usual form; and all and every person and persons who is, or are, or shall be authorized or required to administer any oath for any of the purposes aforesaid, by any law now in force or hereafter to be made, although no express provision is made for that purpose in any such law, shall be and is or are hereby required to administer such affirmation or declaration.

Quakers, Menonists, Tunkers, and Moravians admitted to give evidence in criminal cases.

Form of affirmation.

Previous declaration.

Evidence so given to have the same effect as if on oath.

All persons authorized to administer oaths in criminal cases may take affirmations.

Perjury may be assigned on false affirmation.

2. And be it further enacted, by the authority aforesaid, that if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form upon oath would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities which by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Persons admitted to affirm under this Act not to serve on juries in criminal cases.

3. And be it further enacted, by the authority aforesaid, that no Quaker, Menonist, or Tunker, or person belonging to the society of United Brethren or Moravians, shall by virtue of this Act be qualified or permitted to serve on juries in criminal cases.

— 7. —

10 Geo. 4, c. 18.—AN ACT to enable the Trustees of the Methodist Episcopal Church in York to exchange certain Real Estate now holden by them for other Real Estate in or near the said town of York.

[Passed 20th March 1829.]

Preamble.

WHEREAS Thomas Stoyell, William Poyntz Patrick, John Doel, Matthew Walton, and James Rogers Armstrong, trustees to the Methodist Episcopal Church

Church in York, and others, official members signing in behalf of said church, have, by their petition, set forth, that the ground on which the chapel belonging to the Methodist society in York aforesaid stands is too small for the purposes and conveniences of the said church, and pray that the aforementioned trustees may be allowed to dispose of the said chapel and ground, should an opportunity be afforded them, and apply the proceeds thereof towards the purchasing of such other land and premises as may be suitable for the conveniences of the said church, and for the purposes for which the present land and premises are now by them holden: And whereas it is desirable and proper that such relief, by law, should be granted as to enable the said trustees or a majority of them, or their successors in office, nominated and appointed according to the rules and regulations of the said church, to sell and dispose of said land and premises, and purchase such other as may be suitable, not exceeding the quantity limited by law for such purposes; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that at any time after the passing of this Act, the said trustees, or their successors in office, or a majority of them, shall have full power and authority, and are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey, in fee simple, the ground on which the Methodist chapel now stands, in York aforesaid, and the appurtenances appertaining thereto, which ground and premises is described in the deed of trust, now held by the petitioning trustees, as follows; that is to say, being about the one-sixth of an acre, and composed of part of lot No. 3, on the south side of King's-street, in that part of the said town of York, called the "New Town," which is bounded, or may be known as follows; that is to say, commencing at a post four chains and seven links from the north-east angle of lot No. 2, on the south side of King's-street, then south 16 degrees east, 132 feet; then south 74 degrees west, 52½ feet; then north 16 degrees west, 132 feet; then north 74 degrees east, 52½ feet, to the place of beginning, to such person or persons as may be disposed to purchase the same.

Certain trustees of the Methodist Episcopal Church in York empowered to convey away certain land in York,

2. And be it further enacted, by the authority aforesaid, that the trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the abovementioned land and premises in the purchase of such other lot or tract of land, in or near the town of York aforesaid, and for the erection of a chapel or meeting-house thereon, as well as such other buildings as may be required for the residence of a minister, and his necessary purposes in such capacity, and for the necessary conveniences of the congregation which may attend such chapel or meeting-house, as they the said trustees shall, in their discretion, deem to be proper and convenient for the use and accommodation of the Methodist congregation in York aforesaid, and its vicinity; and the said trustees, or their successors in office, or a majority of them, are hereby empowered to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money as aforesaid, and such further sum as may be required for that purpose, in trust, for the use and purposes aforesaid, and with such succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the uses and purposes aforesaid: provided always, that nothing in this Act contained shall extend, or be construed to extend, to allow the said trustees, or their successors in office, or a majority of them, to hold for the use and accommodation of any one congregation a greater quantity of land than five acres.

And to invest the monies arising from the sale thereof in the purchase of other lands for the use of the said church.

May accept deed of such lands to be purchased, upon the trusts to be therein declared.

No one congregation to be allowed to hold more than five acres under this Act.

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— 8. —

4 Will 4, c. 13.—AN ACT for the Relief of certain Religious Denominations of Persons called Menonists, Tunkers, and Quakers.

[Passed 6 March 1834.]

Preamble.

WHEREAS certain of the people called Menonists and Tunkers, subjects of His Majesty within this Province, have by their petition set forth that they are by the present militia laws of this Province subjected to an annual commutation in time of war, or when any portion of the militia are ordered out on actual service, the sum of 5*l.*, and in time of peace the sum of 20*s.*, annually, and which they pray may be reduced; and their sons, being minors as well as aliens, of their persuasion, may likewise be relieved from such commutation: And whereas it is expedient and necessary to afford further relief according to the prayer of their petition; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that the 27th section of an Act passed in the 48th year of the reign of George the 3rd, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province," be, and the same is hereby repealed.

48 Geo. 3, c. 1, s. 27,
repealed.

Quakers, Menonists, and Tunkers, exempted from militia duty.

Who shall produce certificate, signed by clerk of society.

Names of persons from the age of 16 to 60 to be given to assessor.

Commutation 10*s.* per annum in time of peace.

£5. in time of war, invasion, or insurrection.

Duty of clerk of the peace.

Form of assessment-roll.

Collector to receive commutation-money.

Money to be expended on public roads, &c.

2. And be it further enacted, by the authority aforesaid, that the persons called Quakers, Menonists, or Tunkers, shall not be compelled to serve in the militia of this Province; but every person who shall profess to be one of the people called Quakers, Menonists, or Tunkers, and who shall produce a certificate thereof, signed by the clerk of the meeting of the society to which he shall belong, shall be excused and exempted from serving in the said militia of this Province; provided, nevertheless, that every such person, from the age of 16 to 60, so claiming to be excused or exempted, shall on or before the 1st day of February in each and every year after the passing of this Act, give in his name and place of residence to the assessor or assessors of each and every town, township, or place where he shall reside; and shall pay in each and every year, in time of peace, the sum of 10*s.* and in time of actual invasion or insurrection, or when any of the militia of the district in which such person shall reside, shall be called out on actual service, the sum of 5*l.*, which commutation-money shall be in lieu and discharge of such militia service, and shall be applied as hereinafter provided.

3. And be it further enacted, by the authority aforesaid, that it shall be the duty of the clerk of the peace in each district in this Province, and he is hereby required, to annex a column to each and every assessment-roll of each and every town, township, or place in his district, and therein insert the names of every such Quaker, Menonist, or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every collector in each and every town, township, or place within this Province to collect, in the same manner as he is authorized by law to collect any ordinary assessment; and such collector shall pay the same into the hands of the treasurer of the district, to be expended within the township where the same shall have been levied, in aid of any road tax or assessment raised or levied therein.

4. And be it further enacted, by the authority aforesaid, that it shall be lawful to and for the said treasurer of the district wherein such town, township, or place lies, and he is hereby required, to pay out the said monies from time to time to the order of the road-master of the division wherein such fine shall have been levied, and to be expended on the public roads, highways, and bridges within such division.

5. And

5. And be it further enacted, by the authority aforesaid, that it shall be the duty of the path-masters in every township or place, and they are hereby required, to apply such sum or sums of money from time to time in the improvement of the said highways, roads, and bridges throughout this Province, after the manner and form, and upon such place or places as they shall be according to law directed, and to render an account thereof, upon oath, to the clerk of such town, township, or place, whose duty it shall be to report the same to the magistrates in general quarter sessions assembled.

Duty of path-masters in applying money under this Act.

Account to be rendered on oath.

6. And be it further enacted, by the authority aforesaid, that no Quaker, Menonist, or Tunker, from the age of 16 to 50, who shall produce the certificate of the surgeon of the regiment, setting forth his inability to perform militia service, by reason of bodily infirmity or ailment, such person, having first obtained such certificate, shall be held liable to pay such exemption-money; nor shall any Quaker, Menonist, or Tunker, being an alien, be held liable to pay such commutation-money, anything in this Act to the contrary notwithstanding.

Special exemptions.

Aliens.

— 9. —

7. Will. 4, c. 56.—AN ACT to Incorporate certain Persons therein named as a Board of Trustees, for the erection, superintending, and management of a Roman-catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other Purposes therein mentioned.

[Passed 4th March 1837.]

WHEREAS, by the petition of the Rev. Angus M'Donell, one of the trustees hereinafter mentioned, it appears that the Honourable and Right Rev. Alexander M'Donell, Roman-catholic Bishop of Kingston, hath, by deed, bearing date the 26th day of January, in the year of our Lord 1835, conveyed and transferred to, and vested in the Right Rev. Remigijs Gaulin, Bishop of Trabacca; the Very Rev. Angus M'Donell, of Sandwich, in the Western District; the Rev. John Cullen, late of Bytown, in the Bathurst District; the Honourable John Elmsley, of the city of Toronto, in the Home District; and Walter M'Cuniffe, of the town of Kingston, Esq., and their successors, a certain piece of ground, containing three acres and three-fifths, known as part of Park Lot, No. 1, adjoining the town of Kingston (and now included therein, and now called the Park of Selma, and in the said deed more particularly described), in trust for the erection, use, and support of a Roman-catholic seminary, in the said town of Kingston: And whereas, by the said petition, legislative authority is requested to enable the trustees abovenamed, and their successors, to be elected and appointed in the manner described in the said deed, to take and hold the said land, as a corporate body, in perpetuity, for the purposes aforesaid; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, '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,'" and by the authority of the same, that it shall and may be lawful for the said Remigijs Gaulin, Angus M'Donell, John Cullen, John Elmsley, and Walter M'Cuniffe, to hold, receive, and take the said piece or parcel, conveyed to and vested in them, or intended so to be by the said deed, as trustees for the erection, support, and maintenance of a Roman-catholic seminary, under such prudential rules and regulations as may from time to time be made and ordained by them and their successors, as such trustees as aforesaid, for the good order, direction, and government of the same.

Preamble.

Recites conveyance of land by the Hon. and Right Rev. the Roman-catholic Bishop of Kingston, for the use and support of Roman-catholic seminary at Kingston, to trustees.

Trustees incorporated.

2. And in order to prevent the failure of such estate in succession, be it further enacted, by the authority aforesaid, that whenever it shall happen that any one or more of the trustees herein named shall die or become resident abroad, or shall resign his trust, or become incapable of acting therein, it shall

Manner of filling up vacancies among trustees.

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and may be lawful for the remaining trustees, and they are hereby authorized and required, within three calendar months after the happening of such vacancy or vacancies, to elect and appoint others, being clergymen of the Roman-catholic religion, resident in the Province of Upper Canada, to complete the number of five trustees, for the purposes aforesaid, in accordance with the terms and provisions of the said deed of conveyance, and that all vacancies that shall from time to time happen in and among the said trustees shall be filled up in like manner: provided always, that the omission to elect and appoint new trustees, upon vacancies happening, as aforesaid, shall not operate as a forfeiture of the said land.

Omission to appoint trustees not to operate as a forfeiture of land.

Roman-catholic Bishop of Kingston ex-officio trustee.

3. And be it further enacted, by the authority aforesaid, that the present Roman-catholic Bishop of Kingston, during his natural life, and the Roman-catholic Bishop of Kingston for the time being, shall be ex-officio trustees, under this Act, and invested with such power and authority in relation to the management of the said land, and of the seminary to be erected thereon, as is in the said deed declared and set forth.

Trustees declared to be a body corporate.

4. And be it further enacted, by the authority aforesaid, that they the said trustees in this Act mentioned, and their successors, to be appointed in manner aforesaid, shall be and are hereby declared to be one body corporate and politic, in deed and in law, by the name of "The College of Regiopolis," and shall have perpetual succession, and a common seal, with power to change, alter, break, or make new the same; and they and their successors, by the name aforesaid, may have and hold the said piece or parcel of land in the said deed mentioned, in perpetuity, for ever; and that they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer or be answered unto, in all or any court or courts of record and places of jurisdiction within this Province; and that they and their successors, by the name aforesaid, shall be able and capable, in law, to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this Act, and in trust and for the benefit of the said seminary, all such sum and sums of money as shall at any time or times hereafter be paid, given, devised, or bequeathed by any person or persons, to and for the ends and purposes in this Act mentioned.

Trustees to have power to make rules and regulations.

5. And be it further enacted, by the authority aforesaid, that the trustees for the time being for the purposes of this Act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this Province, as may be necessary for the due management of the said land, and also of the Roman-catholic seminary to be erected thereon.