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CANADA.

COPY of An Act to repeal so much of the Act of the Parliament of Great Britain, passed in the 31st Year of the Reign of King George 3, c. 31, as relates to RECTORIES and the PRESENTATION of INCUMBENTS to the same; together with the Resolutions of the Council and Assembly relative thereto.

(Presented pursuant to Act, 3 & 4 Vict. c. 35.)

Ordered, by The House of Commons, to be Printed,
13 February 1852.

C A N A D A.

COPY of an ACT to Repeal so much of the ACT of the PARLIAMENT of *Great Britain*, passed in the Thirty-first Year of the reign of King GEORGE the Third, and Chaptered Thirty-one, as relates to RECTORIES and the Presentation of INCUMBENTS to the same, and for other purposes connected with such RECTORIES; together with the RESOLUTIONS of the Council and Assembly of *Canada* relative thereto.

PRESENTED TO PARLIAMENT PURSUANT TO ACT 3 & 4 VICT. c. 35.

Colonial Office, Downing-street, }
12 February 1852.

FREDERICK PEEL.

Ordered, by The House of Commons, to be Printed, 13 February 1852.

AN ACT to Repeal so much of the Act of the Parliament of *Great Britain*, passed in the Thirty-first year of the reign of King GEORGE the Third, and Chaptered Thirty-one, as relates to RECTORIES and the Presentation of INCUMBENTS to the same, and for other Purposes connected with such Rectories.

WHEREAS the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation: And whereas in the state and condition of this province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity; Be it therefore declared and enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby declared and enacted, by the authority of the same, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the province, is by the constitution and laws of this province, allowed to all Her Majesty's subjects within the same.

And whereas the provisions of the Act of the Imperial Parliament of Great Britain, passed in the Thirty-first year of the reign of His late Majesty King GEORGE the Third, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth 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," whereby the erection of parsonages or rectories in this province according to the Establishment of the Church of England, the endowment of such parsonages or rectories out of the Clergy Reserves, and the presentation of incumbents or ministers to such parsonages or rectories, is vested in the Government of this province, have been found to give occasion to doubts and apprehensions which it is desirable should be removed by the repeal of the same, under the power for that purpose vested in the Provincial Parliament by the provisions of the said Imperial Act; Be it therefore enacted, that the thirty-eighth, thirty-ninth, and fortieth sections of the said Act shall be and the same are hereby repealed, and that from henceforth no letters patent shall be issued in this province by the Crown, for the erection of any such parsonages or rectories, or for the endowment thereof, out of the Clergy Reserves or

2 COPY OF CANADA ACT RELATING TO RECTORIES, AND

the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory: Provided always, that neither such repeal nor anything herein contained, shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority aforesaid, or whereby certain incumbents or ministers were presented or supposed to be presented under the same authority to such parsonages or rectories, or any of them, but the legality or illegality of all such proceedings shall be left open to be adjudicated upon and determined as if this Act had not been passed; and provided also, that nothing herein contained shall extend or be construed to extend to limit, or in any way affect or interfere with the provisions of the twenty-seventh section of the Act of the Parliament of this province passed in the session thereof held in the fourth and fifth years of Her Majesty's reign, intituled, "An Act for the disposal of Public Lands."

And be it enacted, that in the event of its being judicially decided that any of such parsonages or rectories were erected according to law, and until a judicial decision shall be obtained on such question, the right of presenting an incumbent or minister to such parsonage or rectory, shall vest in and be exercised by the Church Society of the Church of England Diocese within which the same shall be situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any bye-law or bye-laws to be by them from time to time passed for that purpose, shall or may think fit to direct or appoint in that behalf.

I CERTIFY the above to be a true copy of a Bill passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and reserved by his Excellency the Governor-general for the signification of Her Majesty's pleasure thereon, on the 30th day of August 1851.

Attest,
(signed) *J. F. Taylor,*
Clerk, Leg. Council.

Legislative Council, Saturday, 30 August 1851.

Resolved, That an humble Address be presented to his Excellency the Governor-general, informing his Excellency that both Houses of the Provincial Parliament have, in this present session thereof, passed a Bill, intituled, "An Act to repeal so much of the Imperial Act, 31 Geo. 3, c. 31, as relates to Rectories and the presentation of Incumbents to the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the thirty-first year of the reign of King GEORGE the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth 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," respecting the constituting, erecting and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same. And that this House prays, that in order to give effect to the said Bill, his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's Assent thereto, pursuant to the provisions of the 42d section of the Union Act.

Ordered, That such members of the Executive Council, who are members of this House, do present the said Address to his Excellency the Governor-general.

Attest,
(signed) *J. F. Taylor,*
Clerk, Leg. Council.

Legislative Assembly, Saturday, 30 August 1851.

Resolved, That an humble Address be presented to his Excellency the Governor-general, informing his Excellency that both Houses of the Provincial Parliament have in this present session thereof passed a Bill, intituled, "An Act to repeal so much of the Imperial Act, 31 Geo. 3, c. 31, as relates to Rectories and the presentation of Incumbents to the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the thirty-first year of the reign of King GEORGE the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth 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," respecting the constituting, erecting and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same; and that this House prays, that in order to give effect to the said Bill, his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's Assent thereto, pursuant to the provisions of the 42d section of the Union Act.

Ordered, That the said Address be presented to his Excellency the Governor-general, by such members of this House as are of the Honourable the Executive Council of this province.

Attest,

(signed)

Wm. B. Lindsay,

Clk. Assy.
