

No. 224.

3d Session, 3d Parliament, 13 and 14, Vict., 1850.

BILL.

An Act relating to Parsonages and Rectories in Canada.

Received and Read a first time, Monday, 29th
July, 1850.

Second Reading, Monday, 5th August, 1850.

HON. MR. CAMERON (of Kent.)

TORONTO : PRINTED BY LOVELL AND GIBSON.

BILL.

An Act relating to Parsonages and Rectories in
Canada.

WHEREAS by an Act of the Parliament of Great Preamble.
Britain, passed in the thirty-first year of the Reign of His
late Majesty King George the Third, intituled, "*An Act to* Imp. Act 31
repeal certain parts of an Act passed in the fourteenth year Geo. 3 c. 31
5 *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 fur-
ther provision for the Government of the said Province,'
after reciting that His late Majesty had been graciously Section 36.
10 pleased, by Message to both Houses of Parliament, to
express His Royal desire to be enabled to make a per-
manent appropriation of lands in the said Province for
the support and maintenance of a Protestant Clergy
within the same, in proportion to such lands as had
15 been already granted within the same by His Majesty ;
and that His Majesty had been graciously pleased by His
said Message further to signify His Royal desire that such
provision might be made with respect to all further grants
of land within the said Provinces respectively, as might
20 best conduce to the due and efficient support and main-
tenance of a Protestant Clergy within the said Provinces,
in proportion to such increase as might happen in the
population and cultivation thereof: Therefore, for the
purpose of more effectually fulfilling His Majesty's gracious
25 intentions as aforesaid, and of providing for the due execu-
tion of the same in all time to come, it was, amongst other
things, enacted, that it should be lawful for His Majesty,
His Heirs or Successors, to authorize the Governor or
Lieutenant Governor of each of the said Provinces respec-
30 tively, to make, from and out of the Lands of the
Crown within such Provinces, such allotment and
appropriation of lands, for the support and maintenance
of a Protestant Clergy within the same, as had at any
time been granted by or under the authority of His
35 Majesty; and that whenever any grant of lands within
either of the said Provinces should thereafter be
made, by or under the authority of His Majesty, His
Heirs or Successors, there should at the same time be
made, in respect of the same, a proportionable allotment
40 and appropriation of lands for the above mentioned pur-
pose, within the Township or Parish to which such lands
so to be granted should appertain or be annexed, or as
nearly adjacent thereto as circumstances would admit ;
and that all and every the rents, profits or emoluments Sect. 37.

which should at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant Clergy within the Province in which the same should be situated, and to no other use or purposes whatever: 5

Sect. 38. And that it should be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, from time to time, with the advice of such Executive Council as should have been appointed by His Majesty, 10 His Heirs or Successors, within such Province, for the affairs thereof, to constitute and erect, within every Township or Parish which then was or might thereafter be formed, constituted, or erected within such Province, one or more Parsonage or Rectory, or Parsonages or Recto- 15 ries, according to the Establishment of the Church of England; and from time to time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect 20 of any lands within such Township or Parish, which should have been granted subsequent to the commencement of this Act, or of such lands as might have been allotted or appropriated for the same purpose, by or in virtue of any instructions which might have been given by 25 His Majesty before the commencement of the said Act, as such Governor or Lieutenant Governor should, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such Township or Parish: And that it should be lawful 30 for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who should have been 35 duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as might happen therein; and that every person so presented to any such Parsonage or Rectory should hold and enjoy the same, and all rights, profits and emoluments 40 thereunto belonging or granted, as fully and amply and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the Incumbent of a Parsonage or Rectory in England; And 45 that every such presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the enjoyment of any such Parsonage or Rectory, and of the rights, profits and emoluments thereof, by such Incumbent or Minister, should be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction 50 and authority, which had been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which might thereafter, by His Majesty's Royal authority, be lawfully granted or appointed to be admi-

Sect. 39.

Sect. 40.

nistered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons according to the laws and Canons of the Church of England, which were lawfully made and received in England; Provided always, that the several provisions thereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting and endowing Parsonages or Rectories within the said Provinces, and also respecting the presentation of Incumbents or Ministers to the same, and also respecting the manner in which such Incumbents or Ministers should hold and enjoy the same, should be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which might be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the restriction hereinafter provided: And whereas His late Majesty King William the Fourth, having due regard to the spiritual welfare of all his loving subjects resident within the several Townships in the said Letters Patent respectively named, and being desirous of making a permanent provision for their instruction according to the doctrine and discipline of the Church of England, and also for the support of the Protestant Clergymen duly ordained according to the rites of the said Church, did pursuant to the provisions of the said recited Act, and by and with the consent and advice of the Executive Council of His said Majesty's then Province of Upper Canada, determine to erect and constitute and by the said Letters Patent, by and with the advice and consent aforesaid, did erect and constitute a Parsonage or Rectory at the several places within the said Townships in the said several Letters Patent respectively named, according to the establishment of the said Church of England, to be thereafter known, styled and designated as the Parsonage or Rectory within the said Townships respectively; and His said Majesty by virtue of the same authority, and by and with the advice and consent of the said Executive Council, did thereby command that there should be from thenceforth and forever set apart from and out of the lands which His Majesty then held in his said Province by virtue of His Royal Prerogative, certain parcels of land situate in the said Townships respectively, as glebes and endowments to be held appurtenant to the said Parsonages or Rectories respectively, as in and by the said several Letters Patent, reference being had thereto, will more fully and at large appear: And whereas, by divers other Letters Patent under the Great Seal of the said late Province of Upper Canada, divers Incumbents have from time to time been presented to the several Parsonages or Rectories so endowed as aforesaid, and have been instituted and inducted to the said Parsonages or Rectories, and

Sect. 41.

Certain Acts
of King
William the
Fourth recited.

Aversion of
the Canadians
to Parsonages
and Rectories
recited.

Necessity of
quieting their
minds and
removing
doubts, &c.
recited.

So much of the
said Act as pro-
vides for the
reservation of
lands for the
support of a
Protestant
Clergy, &c.
repealed; and
the privileges
of Rectors
already
inducted,
limited.

into the actual and corporal possession thereof; And whereas a large majority of the people of this Province are strongly averse to the exercise on the part of the Crown of the authority to constitute and erect Parsonages or Rectories in Canada in conformity to the said provisions of the said in part recited Act, and many are apprehensive that the terms used in the provisions aforesaid are liable to be construed as clothing the Rectors who may from time to time be presented, instituted and inducted to the said Parsonages or Rectories, with certain rights, privileges and authority not possessed by the Clergy of other Protestant denominations within their respective Incumbencies: And whereas, for quieting the minds of the people in this respect, and for removing all doubts and grounds for such apprehensions, it is expedient to repeal the several provisions of the said Act hereinbefore recited and set forth, and to declare that no Rector so presented, instituted and inducted, or who may hereafter be instituted and inducted to any of the said Parsonages or Rectories so constituted as aforesaid, shall be deemed or taken to have or enjoy any authority, privileges, superiority or pre-eminence which they did not possess before their presentation, institution and induction as aforesaid: Be it therefore enacted, &c.

That so much and such parts of the said in part recited Act as hereinbefore set forth, as provides for the reservation of lands for the support of a Protestant Clergy and for the endowment of Parsonages or Rectories as therein set forth, shall after the passing of this Act be and the same are hereby repealed; and that no Rector or Incumbent of any such Parsonage or Rectory, now or hereafter to be presented, instituted and inducted to any such Parsonage or Rectory as aforesaid, shall by reason or on account of any such presentation, induction or institution to any such Parsonage or Rectory as aforesaid, as the Rector or Incumbent thereof, be endowed, invested with, or entitled to, any authority, right, superiority or pre-eminence whatever, beyond that to which he would have been entitled as an ordained Minister of the Church of England and having cure of souls in this Province, had he not been presented to, or instituted or inducted to any such Parsonage or Rectory as aforesaid, anything in the said in part recited Act, passed in the thirty-first year of His late Majesty's Reign, or in any Letters Patent issued under the authority of the said Act, to the contrary thereof in any wise notwithstanding.