

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 175

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.

Reserved for the signification of Her Majesty's pleasure 30th August, 1851.

The Royal Assent given by Her Majesty in Council on the 15th May, 1852; and Proclamation made thereof by His Excellency James, Earl of Elgin and Kincardine, in the Canada Gazette of the 9th June, 1852.

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.

II. 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 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 any wise 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*.

III. 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 By-law or By-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.