

scale in force by this board at the date of union, if the said churches had not united.

Rights of ministers declining to enter into united church.

Proviso:

5. In the event of any minister or ministers of the synod of the Presbyterian Church of Canada in connection with the Church of Scotland, who shall possess rights in this fund at the date of said union, declining to enter into the united church, he or they shall be entitled to the same pecuniary rights and claims in and upon said fund, after such union, as shall be possessed by them previous to said union; provided those ministers thus declining to enter the united church, continue to contribute to the fund, personally, six dollars semi-annually, and, except in the case of ministers who have retired from the active duties of the ministry, with the consent of the said synod of the Presbyterian Church of Canada in connection with the Church of Scotland, to secure contributions for it from their congregations or otherwise, and comply with such other regulations as may be made, after the union, for the management of the fund.

Previous provisions inconsistent, repealed.

6. All provisions contained in any previous act, or amendment thereto, inconsistent with the provisions of this act, relating to the said managers of the ministers' widows' and orphans' fund, are hereby repealed.

C A P. L X I I .

An Act respecting the Union of certain Presbyterian Churches therein named.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the Canada Presbyterian Church, the Presbyterian Church of Canada in connection with the Church of Scotland, the Church of the Maritime Provinces in connection with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, have severally agreed to unite together and form one body or denomination of Christians under the name of "The Presbyterian Church in Canada;" and the moderators of the general assembly of the Canada Presbyterian Church, and of the synods of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Church of the Maritime Provinces in connection with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, respectively, by and with the consent of the said general assembly and synods, have by their petitions, stating such agreement to unite as

aforesaid, prayed that for the furtherance of this their purpose, and to remove any obstructions to such union which may arise out of the present form and designation of the several trusts or acts of incorporation, by which the property of the said churches, and of the colleges and congregations connected with the said churches, or any of them respectively, are held and administered or otherwise, certain legislative provisions may be made in reference to the property of the said churches, colleges and congregations situate within the province of Quebec, and other matters affecting the same in view of the said union; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. As soon as the union take place, all property, real or personal, within the province of Quebec, now belonging to, or held in trust for, or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body, under the name of "The Presbyterian Church in Canada," or any other name the said church may adopt.

Properties of the united churches.

Name of the union.

2. Provided always, that if any congregation in connection or communion with any of the said churches decide, at any meeting of the said congregation regularly convened, according to the rules of the said congregation, or the custom of the church with which it is in connection, and held in the two years after such union, by the majority of the votes of those who, according to the rules of the said congregation, or the custom of the church with which it is in connection, are entitled to vote at such meeting, not to form part of the said union, but on the contrary to separate itself therefrom, then and in such case, the property of the said congregation shall not be affected by this act, nor by any of the provisions thereof; but in the event of any congregation, after having refused, subsequently agreeing to join with the said united church, then, from and after the day on which such resolution shall have been passed, this act and the various provisions thereof shall apply to the property of such congregation.

Case of disunion.

3. Congregations may from time to time alter or vary any of the provisions contained in the trust deeds under which their property is held, or in their constitutions, which relate to the mode in which their affairs and property shall be managed or regulated, and to the persons who shall be entitled to take part in such management, or to vote at meetings of the congregation, on questions affecting the affairs

Power to alter the mode of management of the affairs.

and property of the congregation or the management thereof; but the sanction of the presbytery under whose care such congregation is placed shall be obtained before any such alteration or variation shall take effect.

Power to acquire property by trustees.

4. Whenever any congregation, society or mission, in communion or connection with said united church, shall hereafter be desirous of acquiring any land, or real property of any description whatsoever, for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground, or appurtenances thereto, the same may be acquired by trustees for any one or more of the said objects, which shall be designated in the deed of acquisition, and by any name assumed in said deed, sufficient to show the connection or communion of its members with said united church, and the locality where such congregation, society or mission is to be established; and such deed shall not require to be registered at any prothonotary's office, but shall be subject to the ordinary laws of registration applicable to individuals, and such congregation, society or mission shall be entitled to acquire, take and hold lands and real estate, for the purposes aforesaid, without license, in mortmain.

Vacancies in the office of trustees.

5. For the relief of any of the said congregations, missions or societies in connection or communion with the churches or religious bodies aforesaid, in this province, whose deeds of trust heretofore executed, or acts of incorporation heretofore obtained, made no provision for the filling up from time to time of trusteeships vacant by death, removal from the province, or resignation of trustees, and whose property is held under a conveyance to the trustees and their heirs, or to the trustees and their successors, or otherwise, and to regulate in regard to the future acquisition of property as well by congregations, missions or societies, either already formed, or which may be hereafter formed, any such congregation, or the members composing such mission or society, may from time to time meet together, upon notice by the ministers from the pulpit, or at the requisition in writing of any ten persons entitled to vote as hereinafter mentioned (notice of the day, hour and place of such meeting, in either case, being first publicly made in the church or place of meeting for public worship, on two Sabbath days next before such meeting shall be held), and then and there, at such meeting, so convened by a majority of those present and entitled to vote, to elect and appoint new trustees in the room of such trustees as shall have removed from the province, resigned or died, and thereupon the property of the congregation shall *ipso facto* become vested in such newly-elected trustees jointly, and with the remaining trustees, if any; and such trustees and their successors to

New trustees.

Their powers.

be appointed as aforesaid, shall have full power and authority to hold and administer the trust or corporate property of such congregation; provided always, that the said newly-elected trustees shall be members of the said united body in full communion therewith; and those entitled to vote, where there is no provision on the subject as aforesaid, shall be all persons who are members in full communion with said congregation and church.

Proviso:

Wright to vote.

6. Trustees or other administrators of corporate or trust property of any congregation in connection or communion with the said united body, may, with the consent of the congregation, or of a majority of those entitled to vote at a meeting convened to consider the matter (as provided either by their trust deed or by section number 5 of this act, for the election of trustees in case of vacancies, as the case may be), mortgage, sell or exchange any real estate belonging to or holden for the use or in trust for the said congregation, for the purpose of repairing or securing the debt on any building thereon erected, or of erecting other or more suitable churches, manses or glebes, or schools, in any other locality that they may deem best, or of purchasing other and more suitable churches, manses, glebes or schools; provided, nevertheless, that such mortgage, sale or exchange be first sanctioned by the presbytery under whose care such congregation is placed.

Power of trustees to dispose of real estate, for certain ends.

Sanction required.

7. Clergymen of said united Church shall have the right to solemnize marriage, and to keep registers of civil status, and therein to record births, marriages and deaths, in conformity to the provisions of the Civil Code in this behalf. Any such registers at present in use by any of the clergymen of the religious bodies so to be united, may be continued after the union for the current year, as if this act had not been passed and no union had taken place; and the united body and the several clergymen thereof shall, besides, have, for the purposes of such registers, all the powers that either of the said bodies, or the respective clergymen thereof, had before the union.

Registers of civil status.

8. All other property, real or personal, belonging to or held in trust for the use of any of the said churches or religious bodies, or for any college or educational or other institution, or for any trust in connection with any of the said churches or religious bodies, either generally, or for any special purpose or object, shall from the time the said contemplated union takes place, and thenceforth, belong to and be held in trust for and to the use in like manner of "The Presbyterian Church in Canada," or for, or to the

Properties of churches, after the union.

use in like manner of the said college, educational or other institution or trust in connection therewith.

Their manage-
ment.

9. But all such property, real or personal, as is affected by this act, shall in all respects, save as aforesaid, be held and administered, as nearly as may be, in the same manner and subject to the same conditions, as provided by the deeds of trust, acts of incorporation, or other instruments or authority under which the same is now held or administered.

Relation of
certain insti-
tutions after
the union.

10. As soon as the said union takes place, the corporation of the Presbyterian college of Montreal shall in like manner stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Canada Presbyterian Church; and the provisions of the act of the late province of Canada, 28 Vic., cap. 53, intituled: "An Act to incorporate the Presbyterian College of Montreal," shall continue to apply to said college and corporation; and all the rights, powers and authorities by said act vested in the synod of the Canada Presbyterian Church shall be vested, apply to, and be exercised by the supreme court of the Presbyterian Church in Canada. And in like manner the corporation of Morrin College shall stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Presbyterian Church of Canada in connection with the Church of Scotland; and all the provisions of the act of the late province of Canada, 24 Vic., cap. 109, intituled: "An Act to incorporate Morrin College, of Quebec," shall continue to apply to said college; and all the rights of the synod of the Presbyterian Church of Canada in connection with the Church of Scotland shall be vested in the supreme court of the Presbyterian Church in Canada; and all the rights, powers and authorities vested by the said act in the minister and congregation of St. Andrew's Church, Quebec, shall continue to be held and exercised by said minister and congregation in connection with the Presbyterian Church in Canada; provided always, that the said united church shall not be required to elect trustees for any arts department in Morrin College aforesaid.

Proviso:

Board of the
Temporalities
Fund.

11. Whereas the ministers of the said Presbyterian Church of Canada in connection with the Church of Scotland are entitled to receive incomes from a fund called the Temporalities Fund, administered by a board incorporated by statute of the heretofore province of Canada, and it is proposed to preserve to them, and to their successors, even if the congregations over which they preside do not enter into the union, the income which they derive from the said fund; it is therefore enacted that the present members of the said board shall continue in office and manage the said fund

Members actu-
ally in office.

on behalf of the said ministers now deriving revenue therefrom, and the income to said ministers shall be continued to them and to their successors, as aforesaid, so long as such Presbyterian ministers are in good standing in the Dominion of Canada, whether exercising their ministry or retired, or whether they are, or are not, in connection with the united church; provided that the successors of ministers of congregations, in the province of Quebec, in existence at the period of the union, and not entering into the same, shall preserve the same rights to the benefits of the temporalities fund, as they would have had, if such union had not occurred. So soon as any part of the revenue accruing from said fund is not required to meet the payment of said incomes and other vested rights in the fund, and expenses therewith, the same shall pass to and be subject to the disposal of the said united church; and any part of said fund that may remain to the good after the death of the last survivor of the said ministers, shall thereupon pass to and be subject to the disposal of the supreme court of said united church, for the purpose of a home mission fund for aiding weak charges in the united church; and vacancies in the meantime occurring in said board shall not be filled up in the manner hitherto observed, but shall be filled up in the manner provided by an act passed during the present session, intituled "An Act to amend the Act, intituled: 'An Act to incorporate the board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.'"

Proviso:

Remittance to the united church.

Case of vacancies in the board of manag.

12. And whereas "the Canada Presbyterian Church," and "the Presbyterian Church of Canada in connection with the Church of Scotland," have each of them a fund for the benefit of widows and orphans of ministers pertaining to them respectively, and it is not deemed desirable that two such funds should long exist separately after the union, nor that there should be two separate organizations for the management thereof; it is therefore enacted, that said two funds shall be kept separate, and the separate and distinct management and administration thereof continued by the boards respectively having the management and control thereof at the time of the union, so long only, and until the supreme court of said united church shall have made provision for the amalgamation of said two funds and the management thereof; whereupon the said two separate organizations shall become extinct, and the said two funds shall pass to and vest in the trustees, body or persons indicated for the management thereof by the said supreme court; and until such provision is made, vacancies occurring in either of said respective organizations shall not be filled up as

Management of certain funds till their amalgamation.

Who shall administer said funds.

hitherto, but shall be filled up by the remaining members of each of said organizations for their respective bodies.

General power
to acquire, &c.

13. As soon as the said union takes place, the Presbyterian Church in Canada, and any college, educational or other institution or trust in connection with the said Church, and any of the religious, educational or charitable schemes of the said Church, and any congregation of the said Church, in the province of Quebec, may, by the name thereof, or by the trustees, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, other than what may be required for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground, or appurtenances, if such gift, devise, or bequest be made at least six months before the death of the person making the same; but no lands, tenements or interests therein so acquired by gift, devise or bequest, other than what may be required or destined for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground or appurtenances, shall be held for a longer period than seven years after the acquisition thereof, and any part or portion thereof or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives, and the proceeds of such property as shall have been disposed of during said period may be invested in public securities, municipal debentures, stocks of the chartered banks, or other approved securities.

Certain pro-
perties revert-
ed after 7
years.

Notice of the
union in
Q. O. G.

14. The union of the said four Churches shall take place, so soon as a notice shall have been published in the *Quebec Official Gazette*, to the effect that the articles of said union have been signed by the moderators of the said respective Churches.

General autho-
rization of Q. L.

15. In so far as it has authority to do so, the legislature of the province of Quebec, hereby authorizes the Dominion legislature, and the several legislatures of the other provinces, to pass such laws as will recognize and approve of such union throughout and within their respective jurisdiction.