

so to advantage. I have also, not in vain, appealed to parties able and willing to aid us in this department. Brethren in Ayrshire and Fife, to whose congregations I have been ministering, chiefly by assistance at communion, have interested themselves and their congregations in our library. Only yesterday I returned from Fife, where I had enjoyed the pleasing privilege of joining in the Lord's supper with the Free congregation of Collesie, of which my esteemed and truly pious friend, Mr. Reid, is pastor. I bore the burden of the work there, having preached three times, and exhorted as many tables. One of Mr. Reid's Elders, is Mr. McGill Crichton, well known for his attachment to Presbyterianism, and his non-intrusion zeal, both before and after the Disruption. I was inviting Mr. Crichton, as well as his pastor, to come out, were it but for a few months, and give us the benefit of his singular energy and good enthusiasm in organising a Sustentation Fund, &c. He promises to think of it. After leaving Collesie, I made a visit to Saint Andrews—had the honor of being met by Sir David Brewster, and welcomed by him to the old city—spoke from Dr. Hetherington's pulpit, in behalf of Canada, and got a little aid for our library among his people: his colleague, the Rev. Mr. Ansie, also concurring. Dr. Hetherington conducted me to the truly interesting churchyard, where I looked with fresh curiosity at good Samuel Rutherford's grave, and viewed, closely adjoining, the scenes of Wishart's and Hamilton's martyrdom, not omitting to visit the University buildings, and to see again John Knox's pulpit—yea, to sit in it, saying, as I shut its door, "*utinam sit nobis spiritus ejus*." The whole city, I need not tell you, is full of historical interest, and is eminently the classic ground of Scotland's Kirk.

On the next Sabbath now, and the next again, I assist the Dr. at communion, in the west country, including the midsummer communion in my old Kenfield Church, at Glasgow. Then, on the 2nd Sabbath of July, I am engaged to occupy the pulpit of the Free Church at New Cumnock, the minister of which (the Rev. Mr. Johnston) proceeds immediately to Canada. Thus I am labouring in your cause in various ways; and with such duties as the above—not much leisure you will see—my time will be a good deal occupied till I again set my face, with my dear partner in life, towards the land of our adoption. We shall probably sail early in August, if the Lord will. I have been remembering that this is the week of your Synod's meeting, and have entreated that the Lord may direct its counsels. Probably I may labour a Sabbath or two at Halifax, if not also at Quebec, before I reach Toronto, which, however, I hope to reach in good time to enter upon my proper duties, with deliberation and forethought.

Yours, in the Lord,  
M. WILLIS.

#### MODEL TRUST DEED—PRESBYTERIAN CHURCH OF CANADA.

This document was printed some time ago, and generally distributed throughout the church, in order that any suggestions for its improvement might be communicated to the Committee and laid before the Synod. It had been previously submitted to several gentlemen of the legal profession, and was last of all carefully revised by the Hon. Robert Baldwin, and Mr. Eten, of the Chancery Bar, who, in a joint written opinion, have pronounced it well adapted for the holding of church property.

The Synod, at their late meeting, had the matter under consideration, and being in doubt as to the precise bearing of certain clauses in the deed, remitted the draft to the Committee, to obtain the opinion of a lawyer respecting them. This was done, and the opinion of Alexander McDonald, Esq., which follows, was submitted to the Synod,

who thereafter came to the deliverance which is also appended to this.

The Commission of Synod have made arrangements for printing the model in proper form, on parchment, and copies of it will be placed at the disposal of Presbytery Clerks, for the use of congregations, at a moderate charge, intended thereby to cover the expense of materials and printing.

OPINION  
OF A. McDONALD, ESQ., ON MODEL TRUST DEED.

MY DEAR SIR.—I have perused the draft Deed you sent me, with the view of answering the enquiries made as to the effect of the portions of it to which you have drawn my attention.

The first proviso, in the second trust, is intended for the protection of the trustees from hasty or inconsiderate proceedings which might be taken against them "in any Court of Law or Equity." In the sense of the Deed, a person once authorized, ordained, or appointed to preach and perform the usual acts of religious worship, would continue to hold such authority, ordination, or appointment, notwithstanding any course of conduct he might pursue, until he were deposed or suspended by the sentence of a competent Court, as pointed out in the second proviso of the same trust, on page 8. It might happen that before sentence of deposition could be formally passed, such a person, having in fact seceded from the Synod, might commence a suit against the trustees, for permission, or continued permission, to preach, &c., in the church held under the deed. By the effect of the first proviso, under consideration, such a person would, immediately on the commencement of such suit, *ipso facto*, have forfeited all right under the Deed, unless he had previously provided himself with the requisite Synodical certificate, which, in the case supposed, he could not, of course, have done. This instance, which indeed is not one of mere supposition, but seems to be pointed at in the language of the Deed, will serve to show how the proviso in question would be applied in practice. That proviso, however, is designed to effect a higher purpose, namely, that no litigation shall be commenced against the trustees, in respect of the trust property, "by any person or persons whatsoever, without the express consent and concurrence of the Synod." Without a provision of this sort, trustees might be harassed by vexatious actions in a Court of Equity, where they would be liable to be called to account by so many individuals, all of whom might not, on all occasions, be guided in their conduct by a due consideration of what was reasonable and right.

With respect to your enquiry as to the effect of the tenth trust, page 15, I would observe that the Deed is composed upon this principle:—All the various circumstances that are likely to arise under the Deed, are provided for by the nine preceding trusts. For all practical purposes this would probably be sufficient, and the Deed might stop there; but in composing an instrument intended as a model or precedent, the object, of course, was to make it as perfect as possible. With this view, the Deed, after suitably providing for all probable incidents, proceeds "tentatively" to give a general provision with respect to possible incidents, i.e. *all matters and things relating to the premises conveyed by the Deed, and not provided for therein, or repugnant thereto*.

It will be seen from this view of the Deed, that the tenth trust is not likely to be resorted to in practice. At all events it conveys no power whatever to the Synod, except in possible cases not provided for in the Deed. As long as any one of the nine foregoing trusts apply, the tenth will be a dead letter. But as experience proves that unforeseen circumstances may arise, for which it is not possible by anticipation to make any definite provision, the Deed refers the ultimate decision of what is best to be done in such circumstances to the judgment of the Synod, rather than leave such possibilities unprovided for.

As to "whether the model Trust Deed, by any of its provisions, will interfere with the appointment by congregations of managers or other office-bearers

for the management of the ordinary funds and revenues, or whether the Deed at all affects such funds and revenues,"—I am of opinion the Deed does not touch such matters. It does not contemplate two sets of trustees, but it supposes the trustees to have other duties to perform towards the congregation besides those with respect to which the Deed is concerned. Those other duties, whatever they may be, the Deed makes no provision whatever for, and they must be regulated entirely without any reference to the Deed. The property conveyed, and the incidents that may affect its enjoyment by congregations, are the only subjects which the Deed undertakes to regulate.

I remain,

My dear Sir,  
Yours truly,  
ALEX. McDONALD.

To the Rev. A. Gale.

#### DELIVERANCE OF SYNOD ASENT MODEL TRUST DEED.

The Synod receive the Report—approve generally of the Deed as a well-digested and suitable model, and, as such, unanimously recommend it to the congregations of this church; and further instruct the Synod Clerk, under the direction of the Commission, to have copies of the Deed printed in proper form, and at a reasonable price, for the use of congregations.

#### BAPTISM.

It is well known that serious difficulties have arisen in many congregations by persons applying to have their children baptized, while they were living in the habitual neglect of the ordinance of the Lord's supper. The practice has not been uniform in the Presbyterian Church in this matter. The writer was a member of a Session that refused baptism to the children of those who neglected the other ordinance. In other congregations there are persons who have had all their children baptized, (large families) while it was well known to the Session that the parents were never at the Lord's table. We are of opinion that mistaken views are held by many estimable, serious Christians, on this subject. The following extract, from Dr. Wardlaw's Dissertation on the Divine authority, nature, and uses of Infant Baptism, contains, we believe, the sound and only safe view of the case, and which is recommended to the consideration of our readers:—

"I am not aware, from any facts or principles in the New Testament, of any profession of faith being sufficient for admission to baptism, that is not sufficient for admission to the Lord's supper, and the full fellowship of the church of Christ. Baptism was not administered to adults on a mere declaration of willingness to be instructed, but on a profession of faith in the testimony delivered. Although the statements of the history are very brief,—so brief, as occasionally to produce oversights and hasty conclusions,—I do not recollect any exception to this representation. When the profession of faith was made, upon hearing the gospel, and witnessing its accompanying evidence, it was, in the judgment of charity, supposed to be sincere,—to be "with all the heart;" nor am I aware of the existence, in apostolic times, of any such anomalous descriptions of persons, as those who were baptized, but were not admitted to church fellowship. The three thousand who, on the day of Pentecost, "gladly received Peter's word, were baptized; and the same day they were 'added to the church.'" "John's baptism" may be considered as debatable ground, and, therefore, I shall not enter upon it; but I ask for an instance, subsequently to the commencement of apostolic preaching, and the first formation of a church, of a person making a profession of faith which was sufficient for his admission to baptism, and yet not sufficient for his reception to other Christian ordi-