

lections for charitable and Christian objects, as circumstances may require.

ART. 16. That the whole administration of the affairs of the congregation, shall be subject to the inspection of the Presbytery of the bounds, who are hereby constituted the sole arbiters in all disputes that may arise in the said administration, with power to decide according to the provisions of this constitution, or according to the laws and usages of the church, in all matters not herein provided for.

ART. 17. All meetings shall be opened and closed with prayer.

ART. 18. In evidence of our obligation to observe the provisions of this constitution, this copy subscribed by us at a meeting of the electors duly convened, is laid this day on the table of the Presbytery, and committed to their keeping.

Signed by the Preses in the name of the meeting.

#### APPENDIX.

ART. 5. A. *Manner of appointing the Minister.*—Considering the difference of opinion which exists in the matter of the appointment of the minister, the Presbytery of Kingston, in framing the draft constitution, have deemed it best to be directed by that course which, in so far as it can be traced, appears to have the sanction and authority of the law of the church of Scotland upon the subject.

They submit this article, however, for the purpose of bringing before the eye those leading and essential things, which the spirit and genius of the constitution of the church of Scotland seem to have had in view, in the formation of the pastoral relation, (counteracted and modified as they may have been in practice by those anomalies which the law of patronage occasioned) rather than as containing that exact course, whose unmodified adoption the Presbytery of Kingston are prepared decidedly to recommend.

It must be confessed that the practice of the church of Scotland in the constitution of the pastoral relation has varied at different periods of the church's history. It is not, perhaps, so clearly and exactly defined as to serve us entirely in modelling the constitution of our church in Canada.

The following elements, however, may, it is thought, be gathered as being within the design and spirit, and even the letter of the constitution of the church of Scotland, as respects the pastoral relation. 1. A great desire that Presbyteries should exercise the most faithful, diligent and tender superintendence over the interests of congregations, in filling up vacancies. For this purpose, the church has vested Presbyteries not only with direct powers in the matter of trials and pastoral qualifications,

but by the great pains taken in enjoining them to preach to, and consult and advise with vacant congregations, and to study their wishes in sending them such preachers as they desire—it seems plain that it was the design of the church, that Presbyteries should not only keep in view the general qualifications for the ministerial office, but the personal fitness and acceptableness of the presented in reference to the particular charge.

2. A distinction of rights in the matter of election, among the different classes composing the congregation. For example, the act of Assembly 1619, devolves much of the business upon the elders—such as, the duty of looking out for a fit person, communicating with the Presbytery respecting him, and even selecting the person and proposing him to the congregation. In regard, again, to a distinction being recognized between members of the church and mere general hearers, the best evidence of this is, that according to the existing law of the church, the class of persons to whom the veto against the patrons' choice is given, is defined to be male heads of families being communicants.

3. But consistently with this distinction, it appears from the great anxiety, and from various regulations of the church, that the circumstances and wishes of the congregation in general should be studied. It would appear that although the church deemed it scriptural and wise to preserve such a distinction between those who are strictly members of the church and those who are not, as might serve as a check against danger in time of need, she trusted to its various regulations, and particularly to the tender and minute superintendence of Presbyteries in the matter, operating as a preventive against any invidious exercise of the abstract right, or any collision between one class of the congregation and another.

In this matter of the appointment of the minister—keeping in view the following circumstances—that so far from the constitution of the church of Scotland being precisely defined, or unchangeably settled upon this subject, the church has been for some time past struggling to get rid of some of the effects of patronage; that the late judgment of the civil court in the case of *Achterarder*, has given such an effect to patronage, as to endanger that spiritual independence of our church, in maintaining which our forefathers counted not their lives dear unto them; and that in modelling the constitution of our church in Canada, we are disencumbered of patronage. So that in this and in other respects, the constitution of the church of Scotland cannot in its very letter be applied to the