

APPENDIX ON LAW

1. When a Basis of Union has been agreed upon by the negotiating Churches, the union should be consummated and The United Church incorporated by a Special Act of the Parliament of Canada.

2. The Act of the Parliament of Canada consummating the union and incorporating The United Church should contain, among others, provisions to the following effect:

(1) Ratifying and confirming the Basis of Union as agreed upon, and empowering The United Church to acquire and hold property.

(2) Making clear (a) that The United Church shall have the powers of legislation mentioned in sub-paragraph (2) of Paragraph 24 of the Polity Section of the Basis of Union, subject to the safeguards thereby imposed, in such full and ample manner as to render impossible the existence in connection with The United Church of the conditions which have arisen in Scotland in connection with The United Free Church of Scotland, under the decision of the House of Lords, touching its property and doctrine.

(b) That all the estate, real and personal, belonging to or held in trust for or to the use of the negotiating Churches, or belonging to or held in trust for or to the use of any corporation under the government or control of, or in connection with, any of the said negotiating Churches, shall be vested in The United Church or in Boards, Committees or Corporations under the control thereof, and shall be used and administered in accordance with the terms and provisions of the Basis of Union.

Note.—This provision would cover all property which might properly be described as denominational property.

(c) That, subject to the provisions of the next succeeding paragraph hereof, all property, real and personal, under the jurisdiction of the Parliament of Canada held in trust for or to the use of a church, charge, circuit or congregation of any of the negotiating Churches, shall be held by trustees appointed by or on behalf of such church, charge, circuit or congregation, upon trusts set forth and declared in a Model Trust Deed.

This Model Trust Deed should be a schedule to the Act, and should contain, among others, a provision to the following effect: That the property is held for the charge or local church as a part of The United Church, and that no property so held shall be sold, exchanged, or in any manner encumbered unless the Presbytery shall, at the instance of the charge or local church, have given its sanction, subject to an appeal, if desired, to the Conference.

(d) That any property or funds owned by an individual church, charge, circuit or congregation at the time of the union solely for its own benefit, or vested in trustees for the sole benefit of such individual church, charge, circuit or congregation, and not for the denomination of which the said church, charge, circuit or congregation formed a part, shall not be affected by the legislation giving effect to the union or by any legislation of The United Church without the consent of the church, charge, circuit or congregation for which said property is held in trust.

Note.—To avoid uncertainty as to title, all churches, charges, circuits or congregations coming within the provision of this clause should be named in a schedule attached to the Act, and the provisions of this section should be limited to the churches, charges, circuits and congregations so enumerated in the schedule.

(e) That all lands, premises and property acquired for the use of a local church or a pastoral charge of The United Church shall be held, used and administered upon the trusts of the said Model Trust Deed above referred to.

3. Special acts of the Legislatures of the several Provinces of the Dominion and of Newfoundland and the Bermudas and any other country in which the negotiating Churches hold property should be obtained, containing similar provisions and vesting in the manner above indicated the above and like classes of property and interests over which the said Legislatures may respectively have jurisdiction, and rendering effective in the said several jurisdictions the other provisions relating to the said union.