

be evolved, as to which party the individual property shall appertain. An ecclesiastical judicature cannot decide on questions of civil right, and nothing would remain in such unhappy circumstances but an appeal to the civil tribunal.

X To obviate as far as possible these evils, acts of Incorporation for church property have been very generally sought for by particular churches, and granted by the Legislature. "The design of such a statute is to enable the members to act by one united will, and to continue their joint powers and property in the same body, undisturbed by the change of members, and without the necessity of perpetual conveyances, as the rights of members pass from one individual to another. All the individuals composing a corporation, and their successors, are considered in law but as one moral person, capable under an artificial form, of taking and conveying property, contracting debts and duties, and of enjoying the civil rights which their charter confers on them. One of the peculiar properties of a corporation is the power of acting in perpetual succession, like one individual, without incurring any personal hazard or responsibility, or exposing any other property than what belongs to the corporation in its legal capacity. The ordinary incidents to a corporation are—to have perpetual succession, and of course the power of electing members in the room of those removed by death or otherwise;—to sue and be sued, and to grant and receive by their corporate name;—to purchase and hold lands and chattels;—to have a common seal;—to make bye laws for the government of the corporation;—and the power of amotion, or the removal of members." In reference to a religious corporation, these pow-

ers refer only to the management of temporalities.

But in order the more effectually to secure this good management, it is impossible altogether to keep out of view or overlook certain questions that lie rather within the range of spiritual jurisdiction. Church property is acquired, and held, and managed for religious purposes. Confining our observations to the Presbyterian church, let us suppose an edifice built by certain members of our communion, that they and their successors may enjoy it for divine ordinances according to the received standards of doctrine, discipline and worship. The building with all its revenues, whether they arise from pew rents, or other endowments, are by the original contract to be devoted to this particular form of religion. No one will question the natural right of the parties so to devote this property which is their own. And if the Legislature grant the parties an act of Incorporation to secure this property in perpetuity for its specific use, a legal authority is given to a previous agreement, and the civil court, in case of dispute, arbitrates according to the provisions of the charter which the Legislature has granted. From this view of the case, it is obvious, that two classes of rights, very different in their nature, may become the subject of dispute. The one class will purely respect the faithful management of the property—the other class will respect the uses to which it is applied, that is to say, whether the property be really used for the maintenance of doctrine and worship according to the standards of the Presbyterian church. In the former class, the integrity of the managers is the matter to be ascertained; in the latter, the orthodoxy—the moral character, the fidelity of the minister. The one is