

the Constitution and By-Laws for the course pursued by the Trustees, we are obliged, in terms of the Act of Incorporation, to consult the *constitution of the Church of Scotland* on the point at issue, and to see what the regulations and practice of the Presbyterian Church of Canada in connection with the Church of Scotland, under the ecclesiastical jurisdiction of which the St. Andrew's congregation lies, have to say on the question before us. His Honor, Mr. Justice Johnson, says in his judgment as reported: "We must not confound a voluntary organization like this one, exercising corporate powers, under certain regulations, with the Church in Scotland, from which it sprung. We have not imported the Scottish Parish Church and all its usages here. It is because we *had not got these things* that we were obliged to shift for ourselves and get incorporated, and agree among ourselves how we should be governed," &c. I would refer His Honor to the Act of Incorporation itself for a correction of the opinion expressed in these three sentences. Answering the last of them first, I beg to say that it was *not* questions of government that led to the Act of Incorporation,—the Preamble does not say so, but it and the By-Laws, which *specify* nothing about government, clearly show that it was only for *financial* purposes, for creating easily moved machinery for managing the property and revenues of the Church, that corporate powers were sought. As to the two first sentences I have quoted, it is enough to state the fact that the Act of Incorporation specially prohibits the Trustees from framing regulations "contrary to the constitution of the Church of Scotland," to show that the learned Judge is astray on this point. The very Charter, under which the Trustees claim the extraordinary powers they have exercised in this case, "imports" "the usages" "of the Scottish Parish Church." And the Trustees give effect to this clause of the Act of Incorporation in the stipulations of Articles I and XVIII of the By-Laws, which provide that the government of