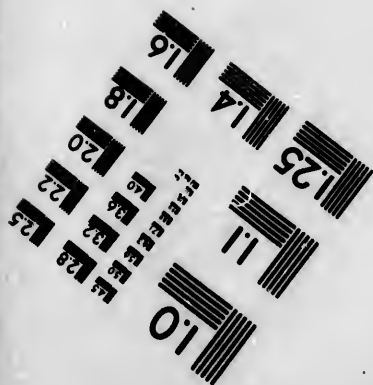
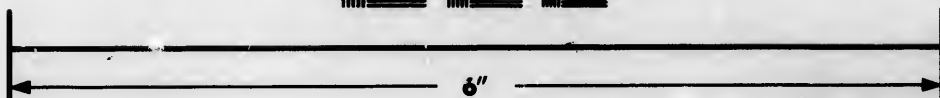
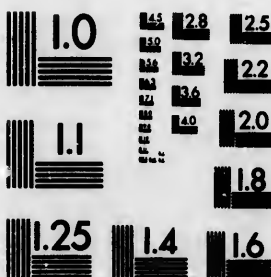


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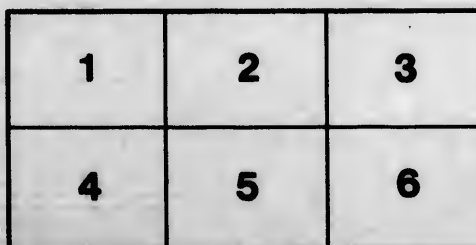
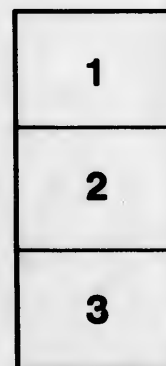
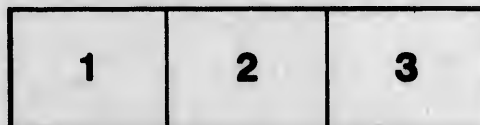
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ACT OF INCORPORATION
AND
BY-LAWS
FOR THE MANAGEMENT OF THE
TEMPORALITIES' FUND
OF THE
Presbyterian Church of Canada
IN CONNECTION WITH THE CHURCH OF SCOTLAND.

Printed for the use of Members of the Board.



KINGSTON:
PRINTED BY JOHN CREIGHTON.
1869.

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I.

22 Vict., Cap. 66.

An Act to incorporate the Board for the management of the Temporalities' Fund of the Presbyterian Church of Canada in connection with the Church of Scotland,

[Assented to 24th July, 1858.]

WHEREAS it hath been represented to the Legislature of this Province, that it is desirable that provision should be made for the management and holding of certain funds of the Presbyterian Church of Canada in connection with the Church of Scotland, now held in trust by certain Commissioners, hereinafter named, on behalf of the said Church and for the benefit thereof, and also of such other funds as may from time to time be granted, given, bequeathed, or contributed in addition thereto; And whereas the said funds are so held in trust, and the revenues thereof are to be appropriated for the encouragement and support of Ministers and Missionaries of the said Church, and for the augmentation of their stipends, and towards making a provision for those who may be incapacitated by age or infirmity; And whereas, secondly, when and if it shall so please the said Church, and so soon as other funds hereafter shall be contributed, subscribed, or paid in from any source for the purpose to the Corporation hereby erected, it is desired that such other funds shall be appropriated for granting aid towards the erection and maintenance and endowment of Churches and Manses, in connection with the said Church, and the aiding of young men to study for the Ministry; and whereas the erection of a Corporation will best promote the purposes aforesaid: Therefore, Her Majesty, by and with the advice and con-

sent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Rev. Alexander Mathieson, of Montreal, Doctor in Divinity ; the Reverend John Cook, of Quebec, Doctor in Divinity ; Hugh Allan, Esquire, of Montreal ; John Thompson, Esquire, of Quebec ; and the Rev. Hugh Urquhart, of Cornwall, Doctor in Divinity ; and John Young, of Hamilton, Esquire ; John Cameron, of Toronto, Esquire ; and Thomas Paton, of Montreal, Esquire, with four additional members, and their successors, to be elected in the manner hereinafter provided, shall be, and they are hereby declared to be a body politic and corporate, in name and in deed, by the name of the "Board for the "management of the Temporalities' Fund of the Presbyterian Church of Canada, in connection with the Church "of Scotland," and for the purposes herein aforesaid recited, by that name shall have perpetual succession and a common seal, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record, or place of Judicature in this Province ; and they and their successors shall be able, in law, to take, have and hold and enjoy, possess and retain, and shall henceforth have, hold, enjoy and possess, in trust, for the said Church, and for the aforesaid firstly hereinabove specified uses, all moneys, debentures, bonds, bank or other stocks and securities, which are now held by the said hereinbefore named parties as Trustees or Commissioners of the said Church, in trust for the said Church ; but such holding is subject always to the special condition that the annual interest and revenues of the said moneys and fund now in their hands shall be and remain charged and subject, as well as regards the character as the extent and duration thereof, to the several annual charges in favour of the several Ministers and parties severally entitled thereto, of the several amounts and respective characters and durations as the same were constituted and declared at the formation of the said funds, and the joining of the same into one fund ; And the said Board shall also have power without license of mortmain, or *lettres d'amortissement*, to have, hold, receive, take, enjoy and possess, by gift, voluntary conveyance, devise, bequest, or otherwise, to them and their successors, any real or personal estate, to and for the use of the said Board for any or either of the purposes afore-

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said; Provided always, that any real estate which may be so acquired, by the said Board, shall be sold within two years from the date of such acquisition thereof by the said Corporation, and the proceeds thereof invested in the public securities of the Province, Municipal Debentures, stock of the Chartered Banks, or other securities, for the uses aforesaid; And provided further, that any such real estate which shall not be sold and alienated within two years from the time when the same is received by the Corporation, shall revert to the party from whom the same came to the Corporation, or to his or her heirs, devisees or other representatives; And provided also, that no will shall be valid and sufficient to pass any real or personal estate to the said Corporation, unless such will shall have been executed by the testator six calendar months prior to his decease; And such Board and their successors shall, moreover, have power to sell, dispose of, exchange, alter, vary, or renew any of the investments heretofore made by them, or hereafter to be made of the said funds, or such other funds, or any of them, and to re-invest any moneys arising therefrom, and acquittances, conveyances, transfers, releases, receipts and discharges to make and give as occasion may demand.

2. At the first meeting of the Synod of the said Church hereafter, there shall be elected by the said Synod seven members of the said Board, of whom four shall be laymen and three, ministers, all members of the Presbyterian Church of Canada, in connection with the Church of Scotland, in place of two laymen and one minister, members of the said Board who shall then retire, but who shall be eligible, as shall all other retiring members, for re-election; and thereafter, two ministers and two laymen shall retire from the said Board annually in rotation, on the third day of the annual meeting of the Synod or other Court of highest jurisdiction of the said Church, and their places shall be supplied by two ministers and two laymen, then elected by the said Synod; and the mode in which the said trustees hereby named shall retire, shall be defined by by-law of the said Corporation, or in default thereof by the Synod, but the members of the Board who shall from time to time be elected in the stead of the afore-named members shall, after all the said eight members of the Board named in this Act shall have gone out, retire from office in the proportions aforesaid in rotation according to

the seniority of their election: In the event of the death, resignation, removal from the Province, or leaving the communion of the said Church of any member of the said Board, the remaining members, or a majority of them present at any general meeting duly convened for that purpose, shall choose a minister or layman to fill such vacancy, subject however to the approval of the said Synod or other court at its next meeting, so that the said Board shall always consist of twelve members, of whom five shall be ministers and seven shall be laymen, all being ministers or members in full communion of the said Church; Provided always, that until such first annual meeting of its Synod as aforesaid and the election of the said seven members thereat, all the powers, rights and duties conferred upon the said Board by this Act, shall be exercised by the said eight persons named in this Act, as fully and effectually as if the said Board consisted of twelve members as aforesaid.

3. The said Reverend John Cook, Doctor in Divinity, or in his default any other of the said eight persons named in this Act, shall call a meeting of the said Board, within six months after the passing of this Act, at the City of Montreal, at which meeting the members of the said Corporation then present, or a majority of them, shall then choose and elect from among the members of the said Board, a Chairman, holding office during the pleasure of the said Corporation, and such Corporation shall elect successors to him as often as occasion may require or the by-laws of the said Corporation shall prescribe; and at such meeting, and at all other meetings of the Board, seven shall constitute a quorum: The said Corporation shall further have power, if they see fit, to appoint an executive committee of three members, defining their duties and powers by by-law or by by-laws, and shall also have power and authority to appoint on such terms as they may deem suitable, a Secretary, who shall not be a member of the Board, and such subordinate officers as may be necessary, and the same to dismiss or remove as they shall see fit, and shall further have power and authority to make and defray all necessary expenditure for and on behalf of the said Corporation.

4. The said Corporation or the majority thereof present at any meeting of the said Corporation duly convened, shall have power and authority to frame and make statutes,

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by-laws, rules and orders, touching and concerning the good government of the said Corporation, and the collection, administration, investment, application, appropriation and management of the funds aforesaid, and any other matter or thing which to them shall seem fit or expedient for the effectual attainment of the objects of the said Corporation and the administration of its concerns and for fixing, ascertaining and establishing the scale or rate of stipend from the said funds to the ministers or others entitled thereto under the provisions of this Act, subject however to the aforesaid original annual or other charges, and the scale or rate of annuities payable to superannuated or disabled ministers, and the same to vary, alter, repeal or make anew; Provided always that all such by-laws shall be submitted to the first meeting of the Synod, or other supreme court thereafter, for confirmation, amendment or rejection, but in the meantime shall till then be operative as *interim* by-laws.

5. The said Board shall prepare and submit annually to the said Synod or other Supreme Court of the said Church, on the first day of the annual session thereof, a balance-sheet of the financial affairs of the fund, exhibiting the receipts and disbursements of the said Corporation during the financial year next preceding such meeting, and also a report of their proceedings during such period.

6. The said Corporation shall hold their meetings at such place or places within this Province as they shall from time to time direct and appoint.

7. This Act shall be deemed a Public Act.

An Act to amend the above Act of Incorporation received the sanction of the Legislature of the Province of Quebec on the 2nd day of April, 1869, as follows:—

WHEREAS, by petition, it hath been represented that the act of the late Parliament of the Province of Canada, passed in the 22nd year of Her Majesty's Reign, and intitled: "An act to incorporate the Board for the management of the Temporalities' Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland," requires to be amended in such wise as to define the classes of security in which the said Board may invest their funds; and it is expedient so to amend the same; therefore, Her Majesty, by and with the advice

and consent of the Legislature of Quebec, enacts as follows :

1. The Board for the management of the Temporalities' Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland, may invest their funds in any stock or bonds of the Province of Quebec, or Ontario or of the Dominion of Canada, or in the stock or bonds of any city or municipal or other corporation in the said Provinces of Quebec or Ontario, and may also invest their funds on the security of hypothèques on real estate in the Province of Quebec, and the said Board shall have power, from time to time to vary, alter or renew any of the investments made or to be made by them, in manner aforesaid.

2. Any real estate within the Province of Quebec, which having been hypothecated to the Board may become the property of the Board by purchase at Sheriff's sale or otherwise, in order to the protection of the interest therein of the said Board, shall be sold within five years from the time when the same becomes the property of the said corporation, and if sold within the said period of five years, shall not revert to the party from whom the same came to the corporation, or to his or her heirs, devisees or other representatives, anything in the said Act to the contrary notwithstanding.

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II.

BY-LAWS FOR THE MANAGEMENT OF THE
TEMPORALITIES' FUND.

WHEREAS the Board for the Management of the Temporalities' Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, are authorized to frame and make Statutes and By-Laws for the purposes specified in the Act incorporating said Board, and intituled, "An Act to incorporate the Board for the 'Management of the Temporalities' Fund of the Presbyterian Church of Canada in connection with the Church of Scotland."

At a meeting of the said Corporation duly convened and holden at the City of Montreal, on the 23rd day of May, in the year of our Lord 1860, at which meeting there are present, Thomas Paton, Esq., Reverend Dr. Cook, Rev. Dr. Urquhart, Rev. W. Snodgrass, John Thomson, Esq., John Greenshields, Esq., John Cameron, Esq., and Alexander Morris, Esq., Members thereof, and in pursuance of the aforesaid powers;

Be it therefore enacted that the Board for the Management of the Temporalities' Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, by virtue of and under the authority of the said Act of the Parliament of Canada, 22 Vic. Cap. 66, and it is hereby enacted by authority of the same:

1st. That the remaining Trustees named in the second clause of the said Act shall retire from the said Board and cease to hold office therein in the following order, that is to say:

Messieurs J. Cameron and Hugh Allan, Laymen, and the Rev. Drs. Mathieson and Cook, Ministers, shall retire on the third day of the meeting of Synod.

2nd. The Chairman of the said Board shall be elected annually by the Members present at the first meeting of the said Corporation duly convened and holden after the annual election of Members of the said Corporation by the said Synod, but if still a member shall hold office until

his successor shall be elected. He shall countersign all cheques, and shall be and is authorized to receive all dividends and interest accruing to the Board from any of its stocks or securities, and to grant receipts and discharges therefor.

3rd. That an Executive Committee, consisting of three members, of whom the Chairman shall be ex officio a member, be appointed annually by the said Board at the said first meeting which shall be duly convened and holden after the rising of the said Synod, but shall hold office until their successors are appointed, the members thereof being eligible to re-election. That such Committee shall have power and authority to carry out the instructions of the Board in relation to the collection, investment, administration, and management of the funds of the said Corporation. Such Committee shall alone have power to receive, accept and execute transfers of bank or other stocks or debentures, or to execute Acts, deeds and discharges, on behalf and in the name of the Board; but every such transfer, acceptance or other instrument must be signed and executed by the Chairman and the other two members of the said Committee. Such Committee shall in the first instance consist of Thomas Paton, Esq., Rev. Alexander Mathieson, D. D., and Hugh Allan, Esq. But in the absence or death of any member the Board shall nominate a substitute or successor.

4th. Meetings of the Board shall be held on the second Tuesday of the months of May and November in each year for the transaction of business; and adjourned meetings may be held at such times as a quorum of the Corporation shall direct.

5th. The Chairman, or in his absence the Secretary, shall have power to call special meetings of the Board when necessary, at such time and place, giving three days notice thereof exclusively of the day on which such notice shall be dated and posted, as he shall appoint, and it shall be his duty to call such special meetings when any three members of the Board shall request him in writing to do so stating the object of such meeting.

6th. In the absence of the Chairman, a quorum of the Members of the Board present may appoint one of themselves as Chairman to preside at the meeting, and as such Chairman shall for the purpose of such meeting be invested with the powers and authority of the Chairman. The

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Chairman or Member of the Board so presiding shall vote as a Member of the Board, and shall also, in case of an equality of votes have a casting vote.

7th. No business shall be transacted or entered upon at any ordinary meeting of the Board until the minutes of the preceding meeting have been read and approved of.

8th. No change of the investments of the Board nor sale of any portion thereof shall be made until the same be specifically authorized by a resolution of the Board entered upon the minutes, and the Board shall from time to time as occasion may arise decide upon the alteration, exchange, or renewal of any of the Investments of the Board, and upon the description of Bonds, Stocks, or Securities in which any reinvestment thereof shall be made.

9th. The Officers of the Board shall consist of a Treasurer and Secretary, and such number of Clerks and subordinate officers as may from time to time be deemed necessary by the Board, provided that the offices of Secretary and Treasurer may be united if deemed desirable by the Board, and such officers shall and may from time to time be appointed or removed by the Resolution of the Board, and their Salaries shall be determined by the Board.

10th. The Executive Committee shall have authority to direct the Secretary and other officers of the Board, in all matters necessary for the interest of the Board in the intervals between the meetings of the Board, subject to the approval of the Board at the next meeting.

11th. The Treasurer shall give security to the satisfaction of the Board to such an amount and with such sureties as to the Board may seem fit for the faithful discharge of the Trust and duties of his office. He shall receive all moneys arising to the Board from ordinary annual Congregational or other collections, and shall deposit the same to the credit of the Board and in their name in such Bank or Banks, as the Board shall from time to time determine by Resolution. He shall sign cheques against the Bank account of the Board for the payment of the Stipends of ministers and other expenses of the Board (which shall be countersigned by the Chairman) and shall take receipts from all persons to whom he shall deliver cheques. He shall keep a regular set of Books, containing the accounts of the Board and of all its funds which may

pass through and come into his hands, and whenever required by the Board shall furnish a detailed statement of all such accounts, and he shall make and deliver for the use of the Board a complete settlement and balance of the Books, and accounts of the Board made up to such period in each year, as the Board may require.

12th. The Secretary shall carry on the correspondence of the Board, and keep a Minute Book, and Register of its proceedings. He shall lay before the Board at its Semi-Annual or other meetings, all communications received by him subsequent to each preceding meeting, and he shall in like manner submit a statement of all matters passing in his office during such period. He shall summon all meetings of the Board wherever requested to do so by the Chairman, and in his absence at the request of three members, and generally he shall discharge all such other duties as shall be imposed on him from time to time by Resolution of the Board.

13th. It shall be the duty of the Chairman and Secretary-Treasurer on receiving from Presbytery Clerks, lists of Ministers of their respective Presbyteries, with the dates of their ordination or induction, to pay to the Ministers who commuted £112 10s. per annum, to the Ministers on the Roll of the Synod at the time of the secularization of the Clergy Reserves, but who were not allowed to commute £100 per annum, and to all others until such time as this Board shall otherwise determine a minimum stipend of £50 a year, the whole in half-yearly payments, and also £500 a year to the Treasurer for the time being of Queen's College, to be employed, as heretofore, in the payment of Professors being Ministers of the Church.

14th. That any Ministers now entitled to the guaranteed Stipend of £112 10s. per annum, or £100, or other allowance, and who from age or infirmity now are or shall from time to time be released from their respective charges by their respective Presbyteries with the sanction of the Synod, duly signified by the Clerk of Synod to this Board, shall be entitled to receive the same, or such other allowance as shall be agreed upon with the Synod for life.

15th. That the original funds arising from the said commutation, and which were constituted into one fund and amount to the sum of £127,000, shall be kept separate and distinct from any other funds which may come into the possession of the Board, for any of the purposes of the

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Board, and a separate account shall be kept thereof until it shall otherwise be ordered by the Board, by a By-Law to that effect; and further, that separate accounts be opened, first for Congregational Collections and secondly for annual or other subscriptions for the sustentation of the Church, the former to be designated as the "Contingent Fund," and the latter as the "Home Mission Fund of the Church," which last mentioned Fund shall be invested as a Permanent Fund.

16th. That a list by name, residence and Presbytery of the several Ministers who commuted their allowance and joined the same into one fund, and also a list in like manner of the ten surviving non-commuting Ministers shall be prepared by the Board, engrossed in one of the Books of the Board, and authenticated by the signatures of the Chairman and Secretary as of Record.

17th. That in the event of any Minister departing this life who shall then be a beneficiary of the Board, the widow of such deceased (or should he leave no widow, his child or children, if of full age, or their Tutor or Guardian,) shall be entitled to receive from the said Board, the current half-year's stipend, to which such Minister would or might have become entitled as such beneficiary as aforesaid, and the receipt of such Widow, Child or Children, Tutor or Guardian shall be a sufficient discharge therefor.

18th. Travelling expenses of members of the Board shall be paid by the Board.

At a meeting of the Temporalities' Board held in Montreal on the eighteenth day of November, 1863, it was unanimously resolved that the following be added to the By-Laws of the Board, and that it come into force this day:—

That it shall be a condition of any Minister other than those privileged by, or at the time of commutation, receiving £50 per annum, from the Fund at the disposal of the Board, that he shall obtain from his Congregation, or otherwise, a subscription to the Fund of Fifty Dollars per annum, and that in any case in which such subscription has not been sent, the Chairman and Secretary be authorized to retain £25 of the allowance half-yearly.

EXTRACTS FROM RESOLUTIONS OF THE BOARD.

14TH NOVEMBER, 1865. *Resolved*, 1st—That Ministers resigning their charges and employed by a Presbytery as Ordained Missionaries shall not lose their place on the list of recipients from the Board. 2nd—That Ministers or Ordained Missionaries while receiving £100 and over a year from the Colonial Committee shall not receive stipend from the Board.

The case of the application of Queen's College was taken up when the Board agreed to record their understanding:

1st—That the commutation of stipend, whether made by Ministers having charges, or being Professors, having been personal, the stipend derived from it should continue to be enjoyed by those who commuted while they continue in the service of the Church, whether in charges or in the College.

2nd—In the event of their being commuting Ministers in Queen's College whose stipends together amount to £500 per annum, no additional payment shall be made to the College by the Board.

3rd—In the event of there not being commuting Ministers in the College receiving salary from the Board to the amount of £500 per annum, the Board shall make up the deficiency.

8TH. MAY, 1866. *Resolved*,—That no money be paid out of the Fund at the disposal of the Board to any Minister who teaches a school. In reference to this resolution the Synod agreed in June, 1866, that "it is one which should be carried into effect subject to the Synod's determination in each case."

NOTE.

The Act of the Imperial Parliament authorizing the Canadian Government to legislate on the Clergy Reserves, and the Act of the Canadian Parliament secularizing the Reserves, are to be found *in extenso* in the appendix to the printed minutes of the *pro re nata* meeting of Synod held in Montreal in January, 1865.

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