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No. 168.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

**An Act respecting the union of certain
Presbyterian Churches therein named.**

(PRIVATE BILL.)

**Received and read, first time, Monday, 15th
April, 1861.
Second Reading, Wednesday, 17th April,
1861.**

Hon. Mr. MOWAT.

QUEBEC:
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ST. URSULE STREET.

An Act respecting the Union of certain Presbyterian Churches therein named.

WHEREAS the Moderators of the Synods of "the Presbyterian Church of Canada," and "the United Presbyterian Church of Canada" respectively, by and with the authority of such Synods, have, by their petition, stated, That the Presbyterian Church of Canada and the
 5 United Presbyterian Church of Canada have agreed to unite together and to form one body or denomination of Christians under the name of "The Canada Presbyterian Church;" And for the furtherance of this their purpose and to remove any obstructions to said Union which may
 10 arise out of the present form and designation of the several trusts or Acts of Incorporation by which the property of the said Churches and of the several Congregations connected with said Churches respectively are held and administered or otherwise, and for the better administration of the said Trusts, the said Petitioners
 15 prayed for certain Legislative provisions to be made in reference to the property of the said Churches and other matters affecting the name in view of such Union. Therefore, Her Majesty, &c., enacts as follows :

Preamble.

I. As soon as the said Union takes place all property, real or personal, now belonging to, or held in trust for, or to the use of any
 20 congregation in connexion or communion with either of the said existing Churches, may thenceforth be held, used, and administered for the benefit of the same Congregation in connexion or communion with the united body, under the name of the Canada Presbyterian Church, or any other name the said Churches may adopt.

Property vested in the united body.

II. Provided always, that where the Trust Deed or conveyance under which any property is held by or for the use of, or in trust for any
 25 congregation in connexion or communion with either of the said existing Churches, sufficiently provides for the case of such a union as that agreed upon as aforesaid, and stipulates for any consent thereto by such
 30 congregation or the members or adherents thereof, or by any specified proportion of such congregation or the members or adherents thereof, nothing in this Act shall be construed to affect the right of such congregation or the members and adherents thereof, in that behalf.

Effect of the Trust Deed saved.

III. The names of "the Presbyterian Church of Canada" and
 35 "the United Presbyterian Synod in Canada," (the latter being the said United Presbyterian Church of Canada) mentioned in the Act of the Provincial Parliament, 16 Vic., Cap. 216, and intituled, "An Act for the relief of the Presbyterian Church of Canada as regards the keeping
 40 of Registers of Baptisms, Marriages and Burials in Lower Canada," shall be taken and understood respectively to apply to the said united body as soon as it shall have been formed, and all the Provisions of the said Act, and of all other Acts of the Provincial Parliament applicable

Certain Acts and provisions to apply to the united body.

to the said Churches respectively, whether in Lower Canada or in Upper Canada, shall equally apply to the said United Church so soon as the said intended union shall have been effected.

Filling up of Trusteeships in case the Deed of Trust makes no provision.

IV. For the relief of certain of the said congregations so in connection or communion with the churches aforesaid in this Province, whose deeds of trust heretofore executed, or Acts of incorporation heretofore obtained, made no provision for the filling up from time to time of trusteeships vacant by death, removal from the Province, or resignation of trustees, any such congregation may, from time to time, meet together, upon notice by the Minister, from the pulpit, or at the requisition, in writing, of any ten persons entitled to vote as hereinafter mentioned, (notice of the day, hour and place of said meeting, in either case, being first publicly made in the church or place of meeting for public worship on two Sabbath days next before such meeting shall be held,) then and thereby a majority of those present, and entitled to vote, to elect and appoint new trustees in the room of such trustees as shall have removed from the Province, resigned, or dead, and such newly elected Trustees, and their successors to be appointed as aforesaid, shall have full power and authority to hold and administer the trust or corporate property of such congregation: Provided always, that said newly elected trustees shall be members in communion with the said united body, and those entitled to vote, where there is no provision on the subject as aforesaid, shall be all persons who are members in communion with said congregation and church.

Proviso: Trustees to be members of the United Body.

Certain Conveyances to be valid.

V. Conveyances hitherto made in Upper Canada to trustees and their successors for the use of a congregation in connection or communion with either of the said churches, shall be deemed valid conveyances in fee, notwithstanding that the heirs of the trustees are not named, and notwithstanding that the manner of appointing successors is not provided in such conveyances.

Trustees may mortgage property with consent. &c.

VI. Trustees or other administrators of corporate or trust property of any congregation in connection or communion with the said united body may, with the consent of the congregation, or of a majority present of those entitled to vote at a meeting convened to consider the matter, (as provided either by their trust deed, or by section number IV of this Act, for the election of trustees in case of vacancies, as the case may be) mortgage, sell, or exchange any real estate belonging to, or holden for the use, or in trust for the said congregation, for the purpose of repairing or securing the debt on any building thereon erected, or of erecting other or more suitable churches, manses, or glebes, or schools, in any other locality that they may deem best, or of purchasing other and more suitable churches, manses, glebes or schools; Provided nevertheless, that such mortgage, sale or exchange, be first sanctioned by the Presbytery under whose care such congregation is placed, and not otherwise, and provided further, that in Upper Canada this clause shall only apply where the deed of trust or Act of Incorporation contains no provision for mortgaging, selling, or exchanging for the purpose for which such mortgage, sale, or exchange is desired.

Proviso.

Other property to be held in trust for the united body.

VII. All other property, real or personal, belonging to or held in trust for the use of either of the said Churches, either generally or for any special purpose or object, shall from the time the contemplated union takes place, and thenceforth belong to, and be held in trust for, and to the use in like manner of the united body.

VIII. But all such property, real or personal, as is affected by this Act, shall in all respects, save as aforesaid, be held and administered as nearly as may be in the same manner and subject to the same conditions as provided by the Deeds of Trust, Acts of Incorporation, or other instruments, or authority under which the same is now held or administered.

As to property
affected by
this Act.

IX. This Act shall be deemed a Public Act.

Public Act.