

No. 88.

1st Session, 6th Parliament, 21 Victoria, 1858.

(PRIVATE BILL.)

BILL.

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.

Received and read, first time, Friday, 23rd
April, 1858.

Second reading, Monday, 26th April, 1858.

MR. JOHN CAMERON.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

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.

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, &c., enacts as follows :

I. The Reverend 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 ; Francis W. Harper, of Kingston ; and Thomas Paton, of Montreal, Esquire, with three 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, 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 herein above specified

Preamble.

Corporation constituted: its Members and corporate name.

Corporate name and general powers.

Certain funds vested in them in trust.

uses, without license of mortmain, or lettres d'amortissement, all monies, 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 monies 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 to have, hold, receive, take, enjoy, and possess, by gift, grant, conveyance, mortgage, devise, bequest, or otherwise, to them and their successors, any personal estate, to and for the use of the said Board for any or either of the purposes aforesaid: Provided always, that any real estate may be granted, conveyed, assigned, devised or bequeathed to the said Board, or acquired, held, and enjoyed by the said Board for the purposes aforesaid or any of them, if the same shall be sold within two years from the date of the acquisition, conveyance, or devise thereof by the said Corporation, and the proceeds thereof invested in the public securities of the Province, stock of the Chartered Banks, mortgages, or other approved securities, for the uses aforesaid: And provided further, that any such real estate acquired by grant, conveyance, or devise, and not obtained by foreclosure or in payment of debt, 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 or devisees: And provided also, that no will shall be valid and sufficient to pass any such real 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 lend upon mortgage, hypothèques or other similar securities to those hereinbefore mentioned, and to re-invest any monies arising therefrom, and acquittances, conveyances, transfers, releases, receipts and discharges to make and give as occasion may demand.

5
10
15
20
25
30
35

Further power to hold property.

Proviso: as to real estate.

Proviso: as to certain real estate.

Proviso: as to devisor to the corporation. Further powers.

Annual retirement of members, and election of members in their places.

II. At the first meeting of the synod of the said Church hereafter, there shall be elected by the said synod six members of the said board, of whom three 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 nine members of the board named in this Act shall have gone out, retire from office in

40
45
50

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 5 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 10 communion of the said Church; Provided always, that until such first annual meeting of its synod as aforesaid and the election of the said six members thereat, all the powers, rights and duties conferred upon the said board by this Act, shall be exercised by the said nine persons named in this Act, as fully and effectually as if the said board consisted 15 of twelve members as aforesaid.

Casual vacancies.

Provision until first meeting of the Synod.

III. The said Reverend John Cook, Doctor in Divinity, 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 20 elect from among the members of the said board, a chairman, holding office during the pleasure of the said corporation, and who 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 cor- 25 poration 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-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, 30 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.

First meeting of the Board.

Quorum.

Executive Committee, and officers, &c.

IV. The said corporation or the majority thereof present at any meeting of the said corporation duly convened, shall have power and authority 35 to frame and make statutes, 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 40 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 superan- 45 nuated 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.

Power to make statutes, By-laws, &c., for what purposes.

Proviso.

V. The said Board shall prepare and submit annually to the said 50 Synod or other Church Court of the said Church, of the highest jurisdiction, on the first day of the annual session thereof, a balance sheet of

Annual report to the Synod.

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.

Place of
meeting.

VI. 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. 5

Public Act.

VII. This Act shall be deemed a public Act.