

In the Privy Council.

54, 1930

No. 98 of 1929.

TRUSTEES OF ST. LUKE'S PRESBYTERIAN
CONGREGATION OF SALTSPRINGS

vs.

ALEXANDER CAMERON AND OTHERS.

STATUTES, &c.

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INSTITUTE OF ADVANCED
LEGAL STUDIES,
25, WISSELL SQUARE,
LONDON,
W.C.1.

STATUTES OF NOVA SCOTIA.

6 EDWD. VII, 1906.

UNIVERSITY OF LONDON
W.C.1

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CHAPTER 217.

An Act to incorporate the Trustees of St. Luke's Presbyterian Congregation of Saltspings in connection with the Presbyterian Church in Canada.

(Passed the 19th day of April, A.D., 1906.)

Section

1. Incorporation.
2. Power of trustees.
3. Property, how vested.
4. Power to hold property.
5. Provision respecting suits.
6. By-laws.
7. Right to pews, how forfeited.
8. Annual meeting.

Section

9. Powers of trustees.
10. Congregation meeting.
11. Trustees, how elected.
12. Number of trustees.
13. Annual meeting.
14. Who may vote.
15. Acts repealed.

BE it enacted by the Governor, Council and Assembly, as follows :—

1. John W. Fraser, William McG. Miller, John J. Campbell, Thomas B. Maurland, Edward Davis, and their successors in office, are hereby created a body corporate, by the name of the "Trustees of St. Luke's Presbyterian Congregation of Saltspings." Incorporation.

2. Such trustees and their successors in office shall have power to purchase, take, hold and enjoy real and personal estate, and may sell, convey, mortgage, lease or otherwise dispose of the same ; and may invest any money that may come into their hands for the use and benefit of the congregation, subject to the provisions of this Act. Power of trustees.

3. All the real and personal estate and property which the said congregation, or any person or persons in trust for said congregation, now or at any future time, may be interested Property, how vested.

n or entitled to, shall be, and is hereby invested in, said trustees and their successors in office for the use and benefit of said congregation.

Power to hold property.

4. Such trustees are hereby empowered to hold property, real and personal, for the use and benefit of the said congregation to the value of twenty thousand dollars.

Provision respecting suits.

5. The said trustees, in their corporate capacity, may sue and be sued in all matters touching the property of the said congregation, and in all and every matter in which the said congregation may, or shall be, directly or indirectly interested.

By-laws.

6. The St. Luke's Presbyterian Congregation of Saltspings may, at any regular meeting called for the purpose, make by-laws for the management of the secular affairs of the said congregation not inconsistent with the laws of this Province.

Right to pew, how forfeited.

7. All members and adherents of said congregation being pew holders, who do not annually contribute towards the general funds of said congregation, shall, within a period of two years from the date of their last contribution, forfeit their right and property to said pew or pews to the trustees of said congregation, to be disposed of in any manner said trustees may deem right and proper.

Annual meeting.

8. The annual meeting of the congregation shall be held on the first Tuesday in January in each and every year, of which meeting notice shall be given on two consecutive Sabbaths, during divine services, from the pulpit of the said congregation.

Powers of trustees.

9. The trustees herein incorporated and their successors in office may do and perform all and everything necessary in and for the proper and efficient management of the secular affairs of the said congregation, demand, sue for, recover and receive all money or moneys due to the congregation in any way whatsoever, subject to the provisions of this Act and to the next following section.

Congregation meeting.

10. No real or personal estate shall be either bought, leased, sold, conveyed, mortgaged or otherwise disposed of, nor shall any action or suit be brought by the said trustees until authorised so to do by the members of the said congregation entitled to vote in such matters, at a regular meeting of said congregation called for the purpose of giving such authority, of which meeting due notice shall be given as required for the annual meeting of the said congregation.

11. At each annual meeting of the said congregation, held after the passage of this Act, two of the aforesaid trustees shall retire in rotation in the order in which they are named in section one, and successors shall be elected to those so retiring, and afterwards the three senior trustees shall retire and their places be filled as aforesaid. The retiring trustees may be re-elected.

Trustees, how
elected.

12. The number of trustees shall not be less than five, a majority of whom shall form a quorum.

Number of
trustees.

13. Such trustees shall appoint their own chairman and secretary, and shall present at each annual meeting a statement of their transactions during the past year.

Annual
meeting.

14. In matters not affecting the spiritual interest of said congregation, all members and adherents of not less than eighteen years of age, who attend the worship and contribute for the support of the church and its ordinances, shall be entitled to vote.

Who may vote.

15. All former Acts, corporation deed, or by-laws inconsistent with this Act, are hereby repealed.

Acts repealed.

14-15 GEORGE V.

CHAP. 100.

An Act incorporating The United Church of Canada.

[Assented to 19th July, 1924.]

WHEREAS The Presbyterian Church in Canada, The Preamble.
Methodist Church and The Congregational Churches
of Canada have by their petition represented that, believing
the promotion of Christian unity to be in accordance
with the Divine Will, they recognize the obligation to
seek and promote union with other churches adhering to
the same fundamental principles of the Christian faith,
and that, having the right to unite with one another
without loss of their identity upon terms which they find
to be consistent with such principles, they have adopted
a Basis of Union which is set forth in Schedule A to
this Act and have agreed to unite and form one body or
denomination of Christians under the name of "The
United Church of Canada;" and have prayed that it may
be enacted as hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition: Therefore
His Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. This Act may be cited as *The United Church of Canada* Short Title.
Act.

2. This Act shall come into force on the tenth day of Date of
June, 1925, except the provisions required to permit the coming into
vote provided for in section ten being taken, which shall force.
come into force on the tenth day of December, 1924.

3. In this Act, unless the context otherwise requires, Definitions.
the expression,—

(a) "The negotiating churches" means the churches "The
mentioned in the preamble, and shall include also negotiating
every congregation heretofore in connection or in churches."
communion with any of the negotiating churches
which, prior to the coming into force of this Act
has joined with any one or more congregation or
82949—1 Congregations

congregations of any of the other negotiating churches for purposes of worship, and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it holds its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the General Council of local union churches;

"The Basis of Union."

(b) "The Basis of Union" means the Basis of Union set forth in Schedule A to this Act;

"Congregation."

(c) "Congregation" means any local church, charge, circuit, congregation, preaching station or other local unit for purposes of worship in connection or in communion with any of the negotiating churches or of The United Church of Canada;

"College."

(d) "College" means any college, school or other educational institution, incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and shall include the colleges and institutions set out in Schedule C to this Act;

"The Presbyterian Church in Canada."

(e) "The Presbyterian Church in Canada" shall include The Board of The Presbyterian College, Halifax; The Board of Trustees of The Presbyterian Church in Canada; The Board of Trustees of The Presbyterian Church in Canada, Eastern Section; The Board of Trustees of The Century Church and Manse Fund of The Presbyterian Church in Canada, Eastern Section; The Church and Manse Board of the Presbyterian Church in Canada; The Board of Trustees of The Presbytery of Montreal; The Board for the management of the Temporalities Fund of The Presbyterian Church of Canada; The Trustees of the Ministers', Widows' and Orphans' Fund of the Synod in the Maritime Provinces of The Presbyterian Church in Canada; The Presbytery of Miramichi, and all Presbyterian congregations separately incorporated under any statute of the Dominion of Canada or of any Province thereof, and all congregations heretofore and now connected or in communion with The Presbyterian Church in Canada whether the same shall have been organized under the provision of any statute or deed of trust or as union or as joint stock churches or otherwise howsoever;

"The Methodist Church."

(f) "The Methodist Church" shall include the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of

of any statute of the Parliament of Canada, or the Legislature of any Province thereof, The Methodist Union of Toronto, The Winnipeg Church Extension and City Mission Association of the Methodist Church, The Methodist Camp Meeting Association of Nova Scotia, and all Methodist congregations separately incorporated under any statute of any Province of the Dominion of Canada;

- (g) "The Congregational Churches" shall include The Congregational Union of Canada; The Congregational Union of Nova Scotia and New Brunswick; The Canada Congregational Missionary Society; The Canada Congregational Foreign Missionary Society; The Montreal Congregational Church Building Fund Society; The Congregational Provident Fund Society, Congregational Church Extension Society of Western Canada; and all congregations of the Congregational denomination which are represented by The Congregational Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any statute of the Dominion of Canada or of any Province thereof, or have been organized under the provisions of any statute or deed of trust, or as union or as joint stock churches or otherwise howsoever;
- (h) Where the context admits thereof the word "property" shall include any debt and any thing in action and any right or interest.
- (i) "Non-concurring congregations" shall mean those congregations which decide, as hereinafter provided, not to enter the union hereinafter mentioned.

4. (a) The union of the said Churches, The Presbyterian Church in Canada, The Methodist Church and The Congregational Churches, shall become effective upon the day upon which this Act comes into force and the said Churches as so united are hereby constituted a body corporate and politic under the name of "The United Church of Canada," hereinafter called "The United Church;"

(b) The several corporations referred to in subsections (e), (f) and (g) of section three hereof are hereby merged in The United Church and the congregations referred to in subsection (a) of said section three are hereby admitted to and declared to be congregations of The United Church;

(c) Notwithstanding anything in this Act contained, members of any non-concurring congregation hereinafter mentioned shall be deemed not to have become, by virtue of the said union or of this Act, members of The United Church;

(d)

Ministers.

(d) Any minister of the negotiating churches may within six months after the coming into force of this Act notify the Clerk or Secretary of the General Council, in writing, of his intention not to become a minister of The United Church and in such event he shall be deemed not to have become, by virtue of the said union or of this Act, a minister of The United Church;

Members of negotiating churches.

(e) Any member of the negotiating Churches may, within six months after the coming into force of this Act, notify in writing the Clerk of Session, or Recording Steward of the Quarterly Official Board, or the Secretary as the case may be, of the congregation of which he is a member, of his intention not to become a member of the United Church, and in such event he shall cease to be a member of such congregation and shall be deemed not to have become, by virtue of the said Union, or of this Act, a member of the United Church.

General Property Vested in The United Church.

5. Save as hereinafter provided, all property, real and personal, belonging to or held in trust for or to the use of The Presbyterian Church in Canada, The Methodist Church and The Congregational Churches, or belonging to or held in trust for or to the use of any Corporation, Board, Committee or other body, whether incorporated or un-incorporated, created by or under the government or control of, or in connection with, any of the said churches, shall from and after the coming into force of this Act be vested in The United Church, to be held, used and administered, subject to the provisions of this Act, in accordance with the terms and provisions of the Basis of Union.

Property of Congregations.

6. Subject to the provisions of section eight hereof, all property, real and personal, belonging to or held by or in trust for or to the use of any congregation of any of the negotiating churches, shall, from and after the coming into force of this Act be held, used and administered for the benefit of the same congregation as a part of The United Church in the manner and upon the trusts and subject to the terms and provisions set forth in Schedule B to this Act, and all property, real and personal, thereafter acquired for or belonging to or held by or in trust for or to use of any congregation of The United Church shall be held, used and administered for the benefit of the said congregation as a part of The United Church upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act or thereafter, acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect

respect thereof, not being contrary to law or to any by-law, rule or regulation of The United Church, and that in the event of failure or partial failure of any of the said trusts, the said property, in the absence of any express provision for such event, may be held, used, administered or disposed of as may be provided by any by-law, rule or regulation made from time to time by The United Church, but subject always to such laws of any Province of Canada as may be applicable thereto.

7. In any deed, conveyance or transfer to trustees upon the trusts set forth in said Schedule B the form of words contained in Column One of said Schedule B and distinguished by any number therein, shall have the same effect as if it contained the form of words in Column Two of said Schedule B, distinguished by the same number as is annexed to the form of words used in such deed, conveyance or transfer, but it shall not be necessary in any such deed, conveyance or transfer to insert any such number.

Short Form
of Trust
Deed.

8. Any real or personal property belonging to or held by or in trust for or to the use of any congregation, whether a congregation of the negotiating churches or a congregation received into The United Church after the coming into force of this Act, solely for its own benefit, and in which the denomination to which such congregation belongs has no right or interest, reversionary or otherwise, shall not be subject to the provisions of sections five and six hereof or to the control of The United Church, unless and until any such congregation at a meeting thereof regularly called for the purpose shall consent that such provisions shall apply to any such property or a specified part thereof.

Special
Property of
Certain Con-
gregations.

9. All trustees acting in any trust for or to the use of any congregation as first referred to in section six hereof shall, notwithstanding any irregularity in their appointment, and notwithstanding that their number shall not correspond with the number named in the deed of conveyance of the property subject to such trusts or any of them, be deemed to be and shall be the trustees of the said properties respectively, and shall henceforth hold the same upon and subject to the trusts set out in Schedule B hereto.

Existing
Trustees
Continued

10. (a) If any congregation in connection or communion with any of the negotiating churches shall, at a meeting of the congregation regularly called and held at any time within six months before the coming into force of this Act, or within the time limited by any statute respecting The United Church of Canada passed by the legislature of the

Property
of Non-
concurring
Congrega-
tions.

the Province in which the property of the congregation is situate, before such coming into force, decide by a majority of votes of the persons present at such meeting and entitled to vote thereat not to enter the said Union of the said Churches, then and in such case the property, real and personal, belonging to or held in trust for or to the use of such non-concurring congregation shall remain unaffected by this Act, (except that any church formed by non-concurring congregations of the respective negotiating Churches into which such congregation enters shall stand in the place of the respective negotiating Churches in respect of any trusts relating to such property,) and except that in respect of any such congregation which does not enter any church so formed such property shall be held by the existing trustees or other trustees elected by the congregation free from any trust or reversion in favour of the respective negotiating Churches and free from any control thereof or connection therewith.) In cities having a population of ten thousand people or over, according to the last Dominion census, the voting aforesaid shall not take place during the months of July or August. The vote herein provided for shall be taken by ballot in such form and manner and at such time within the limit prescribed by this subsection as the congregation may decide: Provided that not less than two weeks shall be allowed for the taking of said vote by ballot as aforesaid.

Church formed will stand in place of negotiating churches.

Property to be held by trustees.

No vote in July or August in cities.

The said meeting may be adjourned for the purpose of said ballot being taken but not for a longer period than thirty days.

Persons entitled to vote.

(b) The persons entitled to vote under the provisions of the first clause of this section shall be only those persons who are in full membership and whose names are on the roll of the Church at the time of the passing of this Act. In any Province where by an Act of the Legislature respecting The United Church of Canada passed prior to the passing of this Act, a different qualification for voting has been prescribed, the qualification for voting under this section shall be as provided in such Act. In every other Province the persons so entitled to vote shall be those who by the constitution of the congregation, if so provided, or by the practice of the Church with which they are connected, are entitled to vote at a meeting of the congregation on matters affecting the disposal of property.

Qualification under Local Acts.

Names of non-concurring congregations and churches.

(c) The non-concurring congregations in connection, or in communion with any or all of the negotiating Churches may use, to designate the said congregations, any names other than the names of the negotiating Churches, as set forth in the Preamble of this Act, and nothing in this Act contained shall prevent such congregations from constituting themselves a Presbyterian Church, a Methodist Church,

Church, or a Congregational Church, as the case may be, under the respective names so used.

(d) A meeting of the congregation for the purpose aforesaid may be called by the authority of the Session or Quarterly Board of its own motion and shall be called by the Session or Quarterly Board on requisition to the Session or Quarterly Board in writing of ten members entitled to vote under the provisions of this section in a congregation of one hundred members or less; or twenty-five such members in congregations having over one hundred and not more than five hundred members; and fifty members in congregations of over five hundred and not more than one thousand members; and one hundred such members in congregations of over one thousand members. Such meeting shall be called by public notice read before the congregation at each diet of worship on two successive Lord's Days on which public service is held and such notice shall specify the object of the meeting. Provided further that such meeting shall be held within thirty days of the receipt of the requisition by the Clerk of Sessions or Recording Steward of the Quarterly Board, or in case of any congregation not having a Session or Quarterly Board, by the ordained minister recognized as in charge thereof by Presbytery or District meeting.

Calling of meeting or voting in Union.

Notice.

To be held within 30 days after requisition.

(e) "Congregation" in this section and the succeeding section means a local church as mentioned in the Basis of Union.

"Congregation."

(f) The Clerk of Session, the Recording Steward of the Quarterly Official Board, or the Secretary, as the case may be, of any non-concurring congregation shall within one week after the taking of the vote referred to in subsection (a) of this section certify to the Clerk of the Presbytery, the Secretary of the Annual Conference, or the Secretary of the Congregational Association or Union, as the case may be, the result of the said vote.

Certificate of result of vote.

11. (a) Notwithstanding anything in this Act contained, such non-concurring congregations or any one or more of them as may be determined, shall be entitled to whatever the Commission hereinafter mentioned shall determine to be a fair and equitable share of the property, real and personal, rights, powers, authorities and privileges of or in connection with the respective parent church or churches, that is to say, The Presbyterian Church in Canada, The Methodist Church or The Congregational Churches, as the case may be, vested in The United Church by this Act.

Commission to determine Equities of Non-concurring Congregations.

(b) All the equities (if any) of the non-concurring congregations, or any of them, under this section, shall be determined exclusively by a Commission to consist of nine members, of whom three shall be appointed

Appointment of Commission.

appointed by the non-concurring congregations at a conference of representatives thereof, three by The United Church from its members, and the remaining three by the six members so appointed. The names of such persons shall be submitted to the Chief Justice of Canada, and if he is satisfied after making such inquiry as he deems proper or desirable that they fairly represent the parties so appointing them, their names shall be approved by him in writing and they shall thereupon be deemed for all purposes to be duly appointed. In case the said six members are unable to agree, or in case of failure or refusal on the part of the non-concurring congregations or of The United Church to appoint the required number of members as aforesaid within twelve months after the coming into force of this Act, the Chief Justice of Canada, upon the application of any interested party, shall appoint sufficient members to complete the Commission of nine members, and any appointment so made by him or to fill any vacancy among the members of the Commission, or any order of the Chief Justice on the application of any interested party confirming the appointment of the Commission, shall be final and conclusive and shall not be subject to review by any Court. If a vacancy occurs in the Commission by reason of death, resignation, incapacity or otherwise, it shall be filled by a member to be appointed as in the case of the original appointment of the member whose office is so vacated, and in case of inability to agree or of failure or refusal to appoint as aforesaid, as the case may be, the Chief Justice of Canada may appoint a member to fill the vacancy and so from time to time as occasion requires.

Vacancies.

Conference
of non-
concurring
congregations.

(c) (i) The conference of representatives of non-concurring congregations shall be held on a date nine months from the date of the coming into force of this Act at St. Andrew's Church on King Street in the City of Toronto, at the hour of half past two o'clock in the afternoon, or at such other time and place as may be fixed by Proclamation of the Governor in Council.

Representa-
tives.

Commission-
ers appointed
and certified.

(ii) Each non-concurring congregation shall be entitled to one representative and to one vote, and the three persons to be appointed to the said Commission by the non-concurring congregations shall be appointed in such manner as the said representatives may determine by a majority vote.

(iii) The chairman of the said conference shall certify the names of members of the said Commission who may be chosen at the said conference.

(d)

- (d) The Commission shall have exclusive power to determine all the equities of the non-concurring congregations, or any one or more of them, in, or with respect to, the property, real and personal, belonging to or held in trust for or to the use of the respective parent church or any corporation, board, committee or other body, incorporated or unincorporated, created by or under the government or control of or in connection with such parent church, and all rights, powers, authorities and privileges of or in connection with the parent church, vested by this Act in The United Church as aforesaid, or in or to any part of such property, rights, powers, authorities and privileges, and to make such orders and give such directions for the conveyance, assignment, transfer or other assurance by The United Church, or by any corporation, board, committee or other body in this Act mentioned, of any such property, rights, powers, authorities, and privileges to the non-concurring congregations or to any one or more of them or to trustees for any such congregations or any one or more of them, in such manner and upon such terms and subject to such charges or conditions as the Commission may deem fair and equitable for the enjoyment and assurance of any such equities so determined. Power to determine Equities and make Orders and Directions.
- (e) The Commission shall also have power to make such orders and to give such directions with respect to any of the colleges of or in connection with the parent church in Schedule C of this Act named as it may deem fair and equitable to secure adequate provision for the education and training of students to minister to such non-concurring congregations, and shall have power to declare and order that such non-concurring congregations shall be placed in the position of the parent church as it was immediately prior to the passing of this Act with respect to any one or more of such colleges as the Commission may determine subject to such terms and conditions as the Commission may deem fair and equitable. Power in respect to Colleges.
- (f) The quorum of the Commission shall be five and its organization, times and places of meeting and procedure shall be such as it may at any time from time to time determine and the decision of a majority of the members present at any meeting shall prevail. Quorum and Procedure.
- (g) The Commission may retain counsel and engage all such professional or other assistance and may appoint and employ all such officers, stenographers, clerks or servants as it may deem expedient and may dismiss any officer or person so appointed or employed. Assistance.
- (h) The fees, salaries and remuneration of all persons so retained, engaged, appointed or employed, and all expenses Remuneration.

expenses in connection with the exercise of the powers hereby conferred shall be paid in such manner and out of such funds of The United Church or the non-concurring congregations or both, as the Commission may direct. The compensation (if any) of the Commissioners shall be determined by the General Council of The United Church and the non-concurring congregations prior to their appointment, and in default of such determination, by the Chief Justice of Canada, and shall be paid as aforesaid.

Witnesses and Evidence.

(i) The Commission shall have the powers conferred on commissioners by Part I of the *Inquiries Act* and such other powers as may be conferred upon it by any Act of any Province of Canada, together with right of access to all property affected by this Act it may find necessary to inspect and the right to call for the production of any books, papers, accounts, correspondence or other writing of any of the parties interested before it and to make abstracts thereof or take extracts therefrom. The Commission shall not be bound by legal rules of evidence but may make such enquiries and may accept such opinions, valuations, reports and statements, written or verbal as it may deem expedient, and the decisions, orders or directions of the Commission shall be final and conclusive and not subject to review by any Court.

Delegation of Certain Powers.

(j) The Commission may authorize any one or more of its members to inquire into and report to it upon any question or matter arising in connection with the business of the Commission, and when so authorized, such one or more of its members shall have all the powers of the Commission for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Commission, it may be adopted as the order of the Commission, or otherwise dealt with as to the Commission seems proper.

Commission to use due diligence.

(k) The Commission shall proceed with all due diligence in the determination of all matters committed to it by this Act and The United Church and the non-concurring congregations shall in every reasonable way facilitate and expedite the work of the Commission so as to enable it to make its investigation and its determination in respect of the matters aforesaid at the earliest possible date.

Enforcement of Orders.

(l) Any determination, decision or order made by the Commission may be made a rule, order or decree of the Exchequer Court or any Superior Court of any Province of Canada, and shall be enforced in like manner as any rule, order or decree of such Court. To make such determination, decision or order, a rule, order or decree

decree of any such Court the usual practice and procedure of the Court in such matters may be followed, and a copy of any such determination, decision or order, certified under the hand of the Chairman or Acting Chairman of the Commission, and verified by affidavit or statutory declaration of a witness thereto, shall be sufficient evidence of the due making and validity of any such determination, decision or order.

- (m) The powers conferred on the Chief Justice of Canada by this section may be exercised by any Judge of the Supreme Court of Canada designated by him for that purpose and all applications to the said Chief Justice or such Judge in this section mentioned shall be upon such notice and be served upon such parties and in such manner as the Chief Justice or such Judge shall direct. Applications to Chief Justice or Judge of Supreme Court.
- (n) The provisions of sections thirteen, fourteen and fifteen shall not apply to any college or property allocated to non-concurring congregations under the provisions of this section after the date of such allocation. Sections 13, 14, 15 not to apply after allocation.
- (o) The Commission shall make such provisions as it may deem fair and equitable to protect the rights of all claimants on the benevolent funds of the negotiating Churches who do not become ministers or members of The United Church. Rights of claimants on benevolent funds.

12. (a) All property belonging to or held by or in trust for or to the use of any congregation of the negotiating churches henceforth to be held, used and administered for the benefit of the same congregation as a part of The United Church, shall remain liable for the payment or satisfaction of any debts or obligations contracted or incurred in respect thereto to the same extent as it would have been liable had this Act not been passed, but The United Church shall not be or become liable for any of said debts or obligations, and, save as aforesaid, no property of The United Church shall be liable for any debts or obligations contracted or incurred by any congregation in connection or in communion with any of the negotiating churches. Liability for Congregational Debts.

- (b) Upon the vesting of the property of the negotiating churches or of any corporation, board, committee or other body whether incorporated or unincorporated, created by or under the government or control of or connected with any of the negotiating churches, pursuant to the provisions of section five hereof, The United Church shall become liable for all their respective debts and obligations, provided, however, that this subsection shall not be deemed to include or apply to any of the property first mentioned in the next preceding subsection. Liability for Denominational Debts.

Colleges.

13. The provisions of section five hereof shall not apply to any property, real or personal, belonging to or held in trust for or to the use of any college named in Schedule C to this Act, or belonging to or held by or vested in any board of trustees, board of directors, board of governors, regents, or other board or committee or body having the control or management of the property or affairs of any college named in said Schedule C. From and after the coming into force of this section the colleges named in said Schedule C and all such boards, regents or other committees or bodies as aforesaid shall have the same connection with and stand in the same relation to The United Church as they respectively had and stood with and to any of the negotiating churches immediately prior to the passing of this Act, and all rights, powers, authorities and privileges in respect of the said colleges, or any of them, of or vested in any Assembly, Conference, Synod, Presbytery, Council or other governing body of any of the negotiating churches or any officers or board thereof, shall be vested in the General Council of The United Church, provided that the General Council may declare that the said rights, powers, authorities and privileges, or any of them, shall be vested in a Conference, Presbytery or other governing body of The United Church, or otherwise, as it may deem expedient, and from and after such declaration, such rights, powers, authorities and privileges, or any of them, shall vest in accordance with the terms of such declaration. In all cases where a college corporation consists of the ministers and members, or the members, or any officers of any of the negotiating churches, or of any governing body thereof (whether with or without named persons) such corporation shall, after the coming into force of this section, consist of the ministers and members of The United Church. All rights, powers, authorities and privileges in respect of the said colleges vested in any congregation in connection or in communion with any of the negotiating churches, or in any minister and congregation thereof, shall continue to be held and exercised by the said congregation or by the said minister and congregation in connection with The United Church. Nothing in this section contained shall be construed so as in anywise to repeal, alter, affect or vary any existing legislation relating to any of the said colleges except in so far as may be necessary to give full force and effect to the provisions of this Act.

Religious
Teaching in
Colleges.

14. Notwithstanding anything contained in any Act of the Parliament of Canada, or in any Act, by-law, rule, regulation, declaration or other proceeding of any of the negotiating churches, or of any governing or subordinate court or body of any of them, or in the constitution, by-laws, rules or regulations of or in relation to any of the said colleges,

colleges, respecting the principles, doctrines or religious standards to be taught and maintained in any such college, from and after the coming into force of this section the colleges shall, in respect of the principles, doctrines and religious standards to be taught and maintained therein, be subject to the direction and control of the General Council of The United Church, and the teaching or maintenance hereafter in any of the colleges of the principles, doctrines or religious standards set out in the Basis of Union or hereafter determined or prescribed from time to time by the General Council of The United Church in accordance therewith or at any meeting held pursuant to the provisions of section twenty-one of this Act, shall not be deemed to be a change of adherence on the part of any such college or a change of its principles or doctrines or religious standards or a breach of the provisions of any statute, Act, by-law, rule, regulation, declaration or other proceeding, or constitution, and shall not be deemed to be a breach of any trust relating to property devised, bequeathed, given to or otherwise acquired by or for the benefit of any such college with respect to the teaching or maintenance of any principles, doctrines or religious standards in any of the said colleges, but shall be deemed to be in compliance with and a performance of any such provisions or trusts.

15. Where, prior to the coming into force of this section, any existing trust has been created or declared in any manner whatsoever for any special purpose or object having regard to the teaching, preaching or maintenance of any principles, doctrines or religious standards, or to the support, assistance or maintenance of any congregation or minister or charity, or to the furtherance of any religious, charitable, educational, congregational or social purpose, in connection with any of the negotiating churches, such trust shall continue to exist and to be performed as nearly as may be for the like purposes or objects in connection with The United Church as The United Church may determine, and anything done in pursuance of this Act shall not be deemed to be a breach of any such trust but shall be deemed to be in compliance therewith and a performance thereof, and the entry of any congregation into The United Church shall not be deemed a change of its adherence or principles or doctrines or religious standards within the meaning of any such trust.

16. The United Church shall have capacity to take and hold all such property, real and personal, and all such rights, authorities, privileges and benefits as it may acquire without Canada, and subject to the laws of the province, colony or country in which such property may be situate, shall have the right to call for and receive conveyances, transfers

Existing
Trusts
Continued

Property
situate
without
Canada.

transfers or other appropriate assurances of all property, real or personal, situate without Canada, held by or in trust for any of the negotiating churches or any governing or subordinate body thereof, or any Corporation, Board, Committee, or other body, whether incorporated or unincorporated, created by or under the government or control of or in connection with any of the negotiating churches.

Establish-
ment of
Boards and
Committees.

17. (a) The United Church may, by resolution of the General Council, establish boards or committees of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interests, institutions and religious or charitable schemes now or hereafter owned, founded or established, define and prescribe the constitution, powers, duties, officers and quorum of any such board or committee, and delegate to any of them such powers as it may deem expedient.

Establish-
ment of
Boards and
Committees
as Bodies
Corporate.

(b) Whenever it is deemed expedient to establish as a body corporate any board, committee or other body for any of the purposes of The United Church, The United Church may establish by resolution of the General Council or may authorize and empower any Conference to establish by resolution of such Conference, any such boards, committees or other bodies, including city mission boards and church extension boards, in accordance with the by-laws, rules and regulations of The United Church in that behalf, and if any such resolution declares such board, committee or other body to be a body corporate, then, upon the filing of the certificate or certificates in this section hereinafter mentioned, the same shall be and become a body corporate with such membership, organization, powers, rights and duties, not contrary to law or inconsistent with this Act, as may be defined from time to time by the General Council, or such Conference, as the case may be, including the acquiring, holding, administering and disposing of all property, real or personal, (but when established by resolution of a Conference then only within the bounds of such Conference), which may be devised, bequeathed, granted or conveyed to any such board, committee or governing body, for the purposes of The United Church, and the borrowing of any money necessary in the opinion of such board, committee or body for the purposes thereof, and the mortgaging, hypothecating, or pledging of so much of the real or personal property held by any such board, committee or body as may be necessary to secure any amount so borrowed. In each case such board, committee or other body is established by resolution of the General Council, the General Council shall file a certified copy of such resolution

resolution under the hand of its presiding officer and its secretary or clerk with the Secretary of State for Canada, and in case such board, committee or other body is established by resolution of any Conference, such Conference shall file a certified copy of such resolution under the hand of its presiding officer and its secretary or clerk with the Provincial Secretary of the Province in which the said conference is situate, or, where the bounds of such conference lie within more than one Province, then with the Provincial Secretary of each of such Provinces. A certificate under the official seal of the General Council, or of the Conference by which any such board, committee or body is established, as the case may be, signed by its secretary or clerk, shall be sufficient evidence in all Courts of the establishment of such board, committee or body and of its constitution and powers.

18. The United Church shall have power—

- (a) To acquire by purchase, lease, gift, devise or bequest any real or personal property, or any estate or interest therein, either absolutely or in trust, and, subject to the provisions of sections five and seven of this Act, to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and apply the proceeds of any such property for its purposes, provided that no land at any time acquired by the United Church and not required for its actual use and occupation or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than ten years after it shall have ceased to be so required, but this proviso shall not be deemed in anywise to vary or otherwise affect any trust relating to such property.
- (b) To give, grant, convey, lease or otherwise alienate any property, real or personal, to any other church or religious body or organization or to any trustees, board, committee or governing body thereof, as it may deem expedient, in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work.
- (c) To lend money upon the security of real estate and to invest and re-invest any of its funds and moneys in any debentures of municipal or public-school corporations or public-school districts, Dominion or Provincial debentures, bonds, stock or other Dominion or Provincial securities, or in any security the payment of which is guaranteed by the Dominion of Canada or any Province thereof, and for all purposes of any loan

Powers of the
United
Church.

Acquiring
and Selling
Property.

Disposal of
Property to
Other
Religious
Bodies.

Loan and
Investment.

- loan or investment it shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.
- Loan or Disposal of Property for Building Purposes. (d) To lend or give any of its property, funds or moneys for, or to assist in, the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital, or for any other religious, charitable, educational, congregational or social purpose, upon such terms and securities as it may deem expedient, and it shall have in respect of any such loan the rights and remedies mentioned in the next preceding subsection.
- Borrowing. (e) To borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan.
- Negotiable Instruments. (f) To make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments.
- Annuities. (g) To receive and accept for its own use as to the principal sum or corpus thereof any moneys or other personal property subject to and in consideration of the payment of interest thereon or of an annuity in respect thereof.
- By-laws, Rules and Regulations. (h) To make such by-laws, rules or regulations as it may deem expedient for the exercise of any powers conferred by this Act.
- Appointment of Subordinate Bodies. (i) To exercise the powers conferred by this section, or any of them, by and through such boards, committees or other bodies as the General Council or any Conference or any Presbytery acting within their respective jurisdictions under the provisions of the Basis of Union may from time to time establish or appoint, and to determine the method of appointment or election thereof, and to define and prescribe the constitution, powers, duties, officers and quorum of such boards, committees or other bodies.
- Incidental Powers. (j) To do all such lawful acts or things as may be requisite to carry out the terms, provisions and objects of the Basis of Union and of this Act.
- Not to issue notes for circulation. (k) Nothing in this section shall be construed to authorize The United Church to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.
- Approval of Conference Required in Certain Cases. **19.** The provision in the Basis of Union that the approval of the Conference in which property is situated is required to enable the General Council to legislate in respect thereof shall be deemed to apply only to such property as belongs to

to or is held in trust for or to the use of a congregation or as belongs to or is held in trust for or is set apart for or used for the purposes of such Conference.

20. The United Church, and any board or committee thereof or appointed thereby or by any Conference thereof, having charge of any of the funds or property of The United Church, and the trustees of any congregation of The United Church, provided that such trustees first obtain the consent in writing of the Presbytery within the bounds of which the lands of such congregation are situate, may issue debentures in such denominations and upon such terms as it or they may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized and the seal (if any) of such United Church board, committee or trustees issuing the same, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favor of a trustee or trustees for the holders of such debentures upon any real estate under the control of The United Church or of such board or committee thereof or of the trustees of such congregation.

Issue of
Debentures.

21. (a) Notwithstanding anything in this Act or in the Basis of Union contained, the first meeting of the General Council shall consist of one hundred and fifty members heretofore appointed by the General Assembly of The Presbyterian Church in Canada, one hundred and fifty members heretofore appointed by the General Conference of The Methodist Church, forty members heretofore appointed by The Congregational Union of Canada and ten members heretofore appointed by the General Council of local Union churches and the roll of members so appointed signed by the presiding officer and the secretary or clerk of such respective bodies, holding office at the date of the coming into force of this section, shall be final and conclusive as to the due and proper appointment of such members.

(b) The said meeting shall be held in the City of Toronto on the day that this Act comes into force, at such place and at such hour as may be agreed upon by the Moderator of the General Assembly of the Presbyterian Church in Canada, the General Superintendent of The Methodist Church and the Chairman of The Congregational Union of Canada, or any two of them.

First Meeting
of the
General
Council.

(c) The said General Council at such meeting, or any adjourned meeting thereof, shall exercise all such powers conferred on the General Council by this Act or by the Basis of Union as it may deem expedient for the conduct and management of the affairs of The United

- United Church until a General Council is convened in accordance with the provisions of the Basis of Union.
- (d) The said General Council at such first meeting, or any adjournment thereof, shall determine the number and boundaries of the Conferences to be established under the provisions of the Basis of Union and the number of ministers and non-ministerial representatives to be chosen by the said Conferences to constitute the next General Council, which may be convened at any time within a period of two years from the date of such first meeting of the General Council.
- (e) All acts or things done by or under the authority of the General Council at such meeting, or any adjournment thereof, not being inconsistent with the provisions of this Act or the Basis of Union, shall be valid and binding until a General Council is convened in accordance with the provisions of the Basis of Union and thereafter until the same shall be altered, amended or rescinded by a General Council so convened.
- (f) The General Council at its first meeting as aforesaid, or any adjourned meeting thereof, may, in addition to its other powers, appoint such boards, committees or other bodies, as it may deem expedient, to inquire into any matters relating to the conduct and management of the affairs of The United Church or of any property, fund, trust, interest, institution or religious or charitable scheme in connection therewith or with any of the negotiating churches and to report upon the same to a General Council convened in accordance with the provisions of the Basis of Union.

Interim
Exercise of
Powers.

- 22.** Notwithstanding anything in this Act contained,—
- (a) The General Assembly of The Presbyterian Church in Canada, the General Conference of The Methodist Church and The Congregational Union of Canada shall, save as to non-concurring congregations, continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until the first meeting of the General Council.
- (b) All Synods and Presbyteries of The Presbyterian Church in Canada, all Conferences and District Meetings of The Methodist Church and all Associations of The Congregational Churches of Canada and all other courts or governing bodies of any of the negotiating Churches shall, (save as to non-concurring congregations,) continue to have, exercise and enjoy all or any of their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed until such time or times as The United Church by its General Council

Council shall declare that the said powers, rights, authorities and privileges, or any of them, shall cease and determine.

- (c) Every Corporation, Board, Committee and other body, whether incorporated or unincorporated, created by or under the government or control of or in connection with any of the negotiating churches, shall continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until such time or times as The United Church by its General Council, or otherwise, shall declare that the said powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered as set out in such declaration, and thereupon such powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered, as the case may be, in accordance with the terms of such declaration or declarations from time to time made.

23. Notwithstanding anything in this Act contained, any congregations of the negotiating churches heretofore separately incorporated shall continue to be corporate bodies but subject in all respects to the provisions of this Act.

Incorporated
Congregations.

24. All resolutions passed by the General Council shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of The United Church.

Resolutions
of General
Council.

25. All copies of the Basis of Union and of any by-laws, resolutions, rules or regulations in this Act referred to or of any amendment or alteration thereof, purporting to be published under the direction or authority of the General Council of The United Church, or a copy of any by-law, resolution, rule or regulation of the General Council purporting to be under the seal of The United Church and to be signed by the secretary, shall be *prima facie* evidence in all Courts of the contents thereof without proof of the authenticity of such seal or signature.

Copies of
Certain
Documents
to be
Evidence.

26. The Basis of Union set forth in Schedule A to this Act is hereby ratified and confirmed as such, and in so far as the terms and provisions thereof relating to polity and administration are not inconsistent with the provisions of this Act they shall have the same force and effect as if expressly set out herein.

Basis of
Union
Ratified and
Confirmed.

27.

Repeal of
Inconsistent
Enactments.

27. All Acts and portions of Acts of the Parliament of Canada inconsistent with the provisions of this Act are hereby repealed in so far as may be necessary to give full effect to this Act.

Declarations.

28. Notwithstanding anything in this Act contained, it is hereby declared:—

(a) That the said union of the negotiating churches has been formed by the free and independent action of the said churches through their governing bodies and in accordance with their respective constitutions, and that this Act has been passed at the request of the said churches in order to incorporate The United Church and to make necessary provision with respect to the property of the negotiating churches and the other matters dealt with by this Act.

(b) That nothing in this Act contained shall be deemed to limit the independent and exclusive right and power of The United Church to legislate in all matters concerning its doctrine, worship, discipline and government, including therein the right and power from time to time to frame, adopt, alter, change, add to or modify its laws, subordinate standards and formulas and to determine and declare the same or any of them, but subject to the conditions and safeguards in that behalf contained in the Basis of Union.

(c) That the United Church by virtue of its independent and exclusive right and power to legislate in respect of the matters mentioned in the next preceding subsection has the right to unite with any other church or religious denomination without loss of its identity upon such terms as it may find to be consistent with the principles, doctrines and religious standards set forth in the Basis of Union, or any amendment thereof made by the General Council under the provisions of the Basis of Union.

Provisions
effective
as far as
Parliament
has jurisdic-
tion.

29. Inasmuch as questions have arisen and may arise as to the powers of the Parliament of Canada under the *British North America Act* to give legislative effect to the provisions of this Act, it is hereby declared that it is intended by this Act to sanction the provisions therein contained in so far and in so far only as it is competent to the Parliament so to do.

SCHEDULE A.

THE BASIS OF UNION

AS PREPARED BY THE JOINT COMMITTEE OF THE PRESBYTERIAN, METHODIST AND CONGREGATIONAL CHURCHES, AND APPROVED BY THE SUPREME COURTS OF THESE CHURCHES.

GENERAL

1. The name of the Church formed by the union of the Presbyterian, Methodist, and Congregational Churches in Canada, shall be "The United Church of Canada."

2. It shall be the policy of The United Church to foster the spirit of unity in the hope that this sentiment of unity may in due time, so far as Canada is concerned, take shape in a Church which may fittingly be described as national.

DOCTRINE

We, the representatives of the Presbyterian, the Methodist, and the Congregational branches of the Church of Christ in Canada, do hereby set forth the substance of the Christian faith, as commonly held among us. In doing so, we build upon the foundation laid by the apostles and prophets, Jesus Christ himself being the chief cornerstone. We affirm our belief in the Scriptures of the Old and New Testaments as the primary source and ultimate standard of Christian faith and life. We acknowledge the teaching of the great creeds of the ancient Church. We further maintain our allegiance to the evangelical doctrines of the Reformation, as set forth in common in the doctrinal standards adopted by the Presbyterian Church in Canada, by the Congregational Union of Ontario and Quebec, and by the Methodist Church. We present the accompanying statement as a brief summary of our common faith and commend it to the studious attention of the members and adherents of the negotiating Churches, as in substance agreeable to the teaching of the Holy Scriptures.

ARTICLE I.—*Of God.*—We believe in the one only living and true God, a Spirit, infinite, eternal and unchangeable, in His being and perfections; the Lord Almighty, who is love, most just in all His ways, most glorious in holiness, unsearchable in wisdom, plenteous in mercy, full of compassion, and abundant in goodness and truth. We worship Him in the unity of the Godhead and the mystery of the Holy Trinity, the Father, the Son and the Holy Spirit, three persons of the same substance, equal in power and glory.

ARTICLE II.—*Of Revelation.*—We believe that God has revealed Himself in nature, in history, and in the heart of man; that He has been graciously pleased to make clearer revelation

revelation of Himself to men of God who spoke as they were moved by the Holy Spirit; and that in the fulness of time He has perfectly revealed Himself in Jesus Christ, the Word made flesh, who is the brightness of the Father's glory and the express image of His person. We receive the Holy Scriptures of the Old and New Testaments, given by inspiration of God, as containing the only infallible rule of faith and life, a faithful record of God's gracious revelations, and as the sure witness to Christ.

ARTICLE III.—*Of the Divine Purpose.*—We believe that the eternal, wise, holy and loving purpose of God so embraces all events that while the freedom of man is not taken away, nor is God the author of sin, yet in His providence He makes all things work together in the fulfilment of His sovereign design and the manifestation of His glory.

ARTICLE IV.—*Of Creation and Providence.*—We believe that God is the creator, upholder and governor of all things; that He is above all His works and in them all; and that He made man in His own image, meet for fellowship with him, free and able to choose between good and evil, and responsible to his Maker and Lord.

ARTICLE V.—*Of the Sin of Man.*—We believe that our first parents, being tempted, chose evil, and so fell away from God and came under the power of sin, the penalty of which is eternal death; and that, by reason of this disobedience, all men are born with a sinful nature, that we have broken God's law and that no man can be saved but by His grace.

ARTICLE VI.—*Of the Grace of God.*—We believe that God, out of His great love for the world, has given His only begotten Son to be the Saviour of sinners, and in the Gospel freely offers His all-sufficient salvation to all men. We believe also that God, in His own good pleasure, gave to His Son a people, an innumerable multitude, chosen in Christ unto holiness, service and salvation.

ARTICLE VII.—*Of the Lord Jesus Christ.*—We believe in and confess the Lord Jesus Christ, the only Mediator between God and man, who, being the Eternal Son of God, for us men and for our salvation became truly man, being conceived of the Holy Spirit and born of the Virgin Mary, yet without sin. Unto us He has revealed the Father, by His word and Spirit, making known the perfect will of God. For our redemption He fulfilled all righteousness, offered Himself a perfect sacrifice on the cross, satisfied Divine Justice and made propitiation for the sins of the whole world. He rose from the dead and ascended into Heaven, where He ever intercedes for us. In the hearts of believers He abides forever as the indwelling Christ; above us and over us all He rules; wherefore, unto Him we render love, obedience and adoration as our Prophet, Priest and King.

ARTICLE

ARTICLE VIII.—*Of the Holy Spirit.*—We believe in the Holy Spirit, the Lord and Giver of life, who proceeds from the Father and the Son, who moves upon the hearts of men to restrain them from evil and to incite them unto good, and whom the Father is ever willing to give unto all who ask Him. We believe that he has spoken by holy men of God in making known His truth to men for their salvation; that, through our exalted Saviour, He was sent forth in power to convict the world of sin, to enlighten men's minds in the knowledge of Christ, and to persuade and enable them to obey the call of the Gospel; and that He abides with the Church, dwelling in every believer as the spirit of truth, of power, of holiness, of comfort and of love.

ARTICLE IX.—*Of Regeneration.*—We believe in the necessity of regeneration, whereby we are made new creatures in Christ Jesus by the Spirit of God, who imparts spiritual life by the gracious and mysterious operation of His power, using as the ordinary means the truths of His word and the ordinances of divine appointment in ways agreeable to the nature of man.

ARTICLE X.—*Of Faith and Repentance.*—We believe that faith in Christ is a saving grace whereby we receive Him, trust in Him and rest upon Him alone for salvation as He is offered to us in the Gospel, and that this saving faith is always accompanied by repentance, wherein we confess and forsake our sins with full purpose of and endeavor after a new obedience to God.

ARTICLE XI.—*Of Justification and Sonship.*—We believe that God, on the sole ground of the perfect obedience and sacrifice of Christ, pardons those who by faith receive Him as their Saviour and Lord, accepts them as righteous and bestows upon them the adoption of sons, with a right to all the privileges therein implied, including a conscious assurance of their sonship.

ARTICLE XII.—*Of Sanctification.*—We believe that those who are regenerated and justified grow in the likeness of Christ through fellowship with Him, the indwelling of the Holy Spirit, and obedience to the truth; that a holy life is the fruit and evidence of saving faith; and that the believer's hope of continuance in such a life is in the preserving grace of God. And we believe that in this growth in grace Christians may attain that maturity and full assurance of faith whereby the love of God is made perfect in us.

ARTICLE XIII.—*Of Prayer.*—We believe that we are encouraged to draw near to God, our Heavenly Father, in the name of His Son, Jesus Christ, and on our own behalf and that of others to pour out our hearts humbly yet freely before Him, as becomes His beloved children, giving Him the honour and praise due His holy name, asking Him

Him to glorify Himself on earth as in heaven, confessing unto Him our sins and seeking of Him every gift needful for this life and for our everlasting salvation. We believe also that, inasmuch as all true prayer is prompted by His Spirit, He will in response thereto grant us every blessing according to His unsearchable wisdom and the riches of His grace in Jesus Christ.

ARTICLE XIV.—*Of the Law of God.*—We believe that the moral law of God, summarized in the Ten Commandments, testified to by the prophets and unfolded in the life and teachings of Jesus Christ, stands forever in truth and equity, and is not made void by faith, but on the contrary is established thereby. We believe that God requires of every man to do justly, to love mercy, and to walk humbly with God; and that only through this harmony with the will of God shall be fulfilled that brotherhood of man wherein the kingdom of God is to be made manifest.

ARTICLE XV.—*Of the Church.*—We acknowledge one holy Catholic Church, the innumerable company of saints of every age and nation, who being united by the Holy Spirit to Christ their Head are one body in Him and have communion with their Lord and with one another. Further, we receive it as the will of Christ that His Church on earth should exist as a visible and sacred brotherhood, consisting of those who profess faith in Jesus Christ and obedience to Him, together with their children, and other baptized children, and organized for the confession of His name, for the public worship of God, for the administration of the sacraments, for the upbuilding of the saints, and for the universal propagation of the Gospel; and we acknowledge as a part, more or less pure, of this universal brotherhood, every particular Church throughout the world which professes this faith in Jesus Christ and obedience to Him as divine Lord and Saviour.

ARTICLE XVI.—*Of the Sacraments.*—We acknowledge two sacraments, Baptism and the Lord's Supper, which were instituted by Christ, to be of perpetual obligation as signs and seals of the covenant ratified in His precious blood, as means of grace, by which, working in us, He doth not only quicken, but also strengthen and comfort our faith in Him, and as ordinances through the observance of which His Church is to confess her Lord and be visibly distinguished from the rest of the world.

(1) Baptism with water into the name of the Father and of the Son and of the Holy Spirit is the sacrament by which are signified and sealed our union to Christ and participation in the blessings of the new covenant. The proper subjects of baptism are believers, and infants presented by their parents or guardians in the Christian faith. In the latter case the parents or guardians should train up their children in the nurture and admonition of the
the

the Lord, and should expect their children will, by the operation of the Holy Spirit, receive the benefits which the sacrament is designed and fitted to convey. The Church is under the most solemn obligation to provide for their Christian instruction.

(2) The Lord's Supper is the sacrament of communion with Christ and with His people in which bread and wine are given and received in thankful remembrance of Him and His sacrifice on the cross; and they who in faith receive the same do, after a spiritual manner, partake of the body and blood of the Lord Jesus Christ to their comfort, nourishment and growth in grace. All may be admitted to the Lord's Supper who make a credible profession of their faith in the Lord Jesus Christ and of obedience to His law.

ARTICLE XVII.—*Of the Ministry.*—We believe that Jesus Christ, as the Supreme Head of the Church, has appointed therein a ministry of the word and sacraments, and calls men to this ministry; that the Church, under the guidance of the Holy Spirit, recognizes and chooses those whom He calls, and should thereupon duly ordain them to the work of the ministry.

ARTICLE XVIII.—*Of Church Order and Fellowship.*—We believe that the Supreme and only Head of the Church is the Lord Jesus Christ; that its worship, teaching, discipline and government should be administered according to His will by persons chosen for their fitness and duly set apart to their office; and that although the visible Church may contain unworthy members and is liable to err, yet believers ought not lightly to separate themselves from its communion, but are to live in fellowship with their brethren, which fellowship is to be extended, as God gives opportunity, to all who in every place call upon the name of the Lord Jesus.

ARTICLE XIX.—*Of the Resurrection, the Last Judgment and the Future Life.*—We believe that there shall be a resurrection of the dead, both of the just and of the unjust, through the power of the Son of God, who shall come to judge the living and the dead; that the finally impenitent shall go away into eternal punishment and the righteous into life eternal.

ARTICLE XX.—*Of Christian Service and the Final Triumph.*—We believe that it is our duty as disciples and servants of Christ, to further the extension of His Kingdom, to do good unto all men, to maintain the public and private worship of God, to hallow the Lords' Day, to preserve the inviolability of marriage and the sanctity of the family, to uphold the just authority of the State, and so to live in all honesty, purity and charity that our lives shall testify of Christ. We joyfully receive the word of Christ, bidding His people go into all the world and make disciples of all nations, declaring unto them that God was in Christ
reconciling

reconciling the world unto Himself, and that He will have all men to be saved, and come to the knowledge of the truth. We confidently believe that by His power and grace all His enemies shall finally be overcome, and the kingdoms of this world be made the kingdom of our God and of His Christ.

POLITY

The Joint Committee, after an examination of the forms of church government of the negotiating Churches and the practical working thereof, is greatly gratified to find:

1. That while the officers and courts of the negotiating Churches may bear different names, there is a substantial degree of similarity in the duties and functions of these officers and courts.

2. That, engaged in the same work, with the same object in view, and earnestly endeavoring to meet the conditions confronting the Churches in Canada, the negotiating Churches have been steadily approximating more nearly to each other, both in forms of church government and methods of administration.

3. That there are distinctive elements in each which would add to the efficiency of a united Church, and which can be preserved with great advantage in the form of polity to be adopted for The United Church.

4. That in this view it is possible to provide for substantial local freedom, and at the same time secure the benefits of a strong connexional tie and co-operative efficiency.

The following recommendations are submitted as setting forth the Polity proposed for The United Church of Canada.

I.—THE CHURCH

1. The members of The United Church shall be the members of the negotiating Churches, and such others as may hereafter become members.

2. The unit of organization for The United Church shall be The Pastoral Charge. A pastoral charge may consist of more than one local church; a local church is a body of persons meeting for public worship in one place.

3. The governing bodies or courts of the Church, higher than those of the pastoral charge, shall be:

- (a) The Presbytery.
- (b) The Conference.
- (c) The General Council.

II.

II.—THE PASTORAL CHARGE (CIRCUIT OR CONGREGATION)

A.—Charges existing previous to the Union

4. In the management of their local affairs the various churches, charges, circuits or congregations of the negotiating Churches shall be entitled to continue the organization and practices (including those practices relating to membership, church ordinances, Sunday schools and Young People's Societies) enjoyed by them at the time of the union, subject in general affairs to the legislation, principles and discipline of The United Church. Their representatives in the next higher governing body or court shall be chosen as at present.

5. The plan of organization prescribed for pastoral charges to be formed subsequent to the union may at any time be adopted by any church, charge, circuit or congregation existing at the time of the union.

6. Subject to the provisions of the next succeeding paragraph hereof, all property, real and personal, under the jurisdiction of the Parliament of Canada held in trust for or to the use of a church, charge, circuit or congregation of any of the negotiating Churches, shall be held by trustees appointed by or on behalf of such church, charge, circuit or congregation, upon trusts set forth and declared in a Model Trust Deed. This Model Trust Deed should be a schedule to the Act, and should contain, among others, a provision to the following effect: That the property is held for the church, charge, circuit or congregation as a part of The United Church, and that no property so held shall be sold, exchanged, or in any manner encumbered, unless the Presbytery shall, at the instance of the church, charge, circuit or congregation, have given its sanction, subject to an appeal, if desired, to the Conference.

7. Any property or funds owned by a church, charge, circuit or congregation at the time of the union solely for its own benefit, or vested in trustees for the sole benefit of such church, charge, circuit or congregation, and not for the denomination of which the said church, charge, circuit or congregation formed a part, shall not be affected by the legislation giving effect to the union or by any legislation of The United Church without the consent of the church, charge, circuit or congregation for which such property is held in trust.

8. Churches, charges, circuits, or congregations, received subsequent to the union, into The United Church, with the approval of Presbyteries, shall be entitled, if they so desire, to the privileges of sections 4, 5 and 7.

B.

B.—Charges to be formed subsequent to the Union

9. The liberty of the pastoral charge shall be recognized to the fullest extent compatible with:

(a) The oversight of the spiritual interests of the charge by the minister (or ministers) and a body of men specially chosen and set apart or ordained for that work, who shall jointly constitute the session;

(b) The efficient co-operation of the representatives of the various departments of the work of the charge by means of a meeting to be held at least quarterly;

(c) The hearty co-operation of the various pastoral charges in the general work of the Church, and

(d) The exercise by the higher governing bodies or courts of their powers and functions, hereinafter set forth.

10. New pastoral charges or local churches shall be formed with the consent of a Presbytery by persons residing within its bounds, who declare their adherence to the principles of The United Church, and their desire for the formation of such charge or church. Missions may be organized as pastoral charges by Presbytery of its own motion, or on the suggestion of the Missionary Superintendent or the Minister, under such regulations as the General Council may pass.

Before sanctioning the formation of a pastoral charge or local church, the Presbytery shall be required to hear and consider the representations of any pastoral charge that may be affected by the proposed action.

11. (a) The members of the Church entitled to all church privileges are those who, on a profession of their faith in Jesus Christ and obedience to Him, have been received into full membership. The children of such persons and all baptized children are members of the Church, and it is their duty and privilege, when they reach the age of discretion, to enter into full membership. Admission to full membership, and granting of certificates of removal, shall be by the action of the session, and by the action of those in full membership where desired by the pastoral charge.

(b) The members of a local church who are entitled to vote at all meetings are persons in full membership, whose names are on the roll of the church. With the consent of these, adherents who contribute regularly to the support of the church may vote on temporal matters.

12. The members of a local church shall meet annually, and more frequently if they deem it advisable.

13. The Session shall have oversight of the spiritual interests of the pastoral charge. The management of its temporal and financial affairs shall be entrusted to a Committee of Stewards. The Official Board, consisting of the Session and Committee of Stewards, with representatives in full church membership of such other departments of church work as may be agreed upon by the General Council,

Council, shall meet quarterly, and more frequently if they deem it advisable, for the consideration of matters of joint interest.

14. The members of the session, other than the minister, shall be chosen by those in full church membership, and shall hold office under regulations to be passed by the General Council.

15. (a) It shall be the duty of the session to have the oversight of:

(1) The admission of persons into full membership, and the granting of certificates of removal.

(2) The conduct of members, with power to exercise discipline.

(3) The administration of the sacraments.

(4) The religious training of the young, and the organization of meetings for Christian fellowship, instruction and work.

(5) The order of public worship, including the service of praise and the use of the church edifice.

(6) The care of the poor, and the visiting of the sick.

(b) It shall also be its duty:

(7) To receive and judge petitions, etc., from members.

(8) To transmit petitions, appeals, etc., to Presbytery.

(9) To recommend suitable laymen to Presbyteries for license to preach.

(10) To recommend suitable candidates for the ministry.

16. The stewards shall be chosen by the local church, and, wherever practicable, should be persons in full membership.

It shall be the duty of the Committee of Stewards to secure contributions for the purposes of the local church, and to disburse the moneys received for these purposes.

17. It shall be the duty of the Official Board:

(1) To secure contributions for missionary and other general objects of the Church.

(2) To select representatives, in full church membership, of the pastoral charge to the Presbytery.

(3) To submit to the pastoral charge or local church for its consideration reports on life and work, including a full statement of receipts and expenditures, of indebtedness and of estimates for the ensuing year.

(4) To transmit from the pastoral charge, through the Presbytery, to the Settlement Committee, representations concerning the pastoral relation.

(5) To attend to matters affecting the pastoral charge not assigned to any of the other bodies.

18. All lands, premises and property acquired for the use of a local church or a pastoral charge of The United Church, shall be held, used and administered under the trusts of the above Model Trust Deed. (See "Polity," par. 6).

III.—THE PRESBYTERY

19. The Presbytery shall consist of:
- (1) The ordained ministers within the bounds—
 - (a) Who are engaged in some department of church work; and
 - (b) Who have been placed on the roll by special enactment of the Conference in accordance with regulations to be made by the General Council.
 (The rights to membership in Presbyteries, District Meetings, and Associations, enjoyed by ministers at the time of the union, shall be conserved.)
 - (2) The elders, deacons, leaders or other non-ministerial representatives of pastoral charges, within the bounds, equal in number to the number of ministers, and chosen in accordance with regulations to be made by the General Council.
20. It shall be the duty of the Presbytery:
- (1) To have the oversight of the pastoral charges within its bounds, review their records, and form new pastoral charges, or local churches.
 - (2) To receive and dispose of petitions and appeals from the lower governing bodies or courts.
 - (3) To transmit petitions and appeals to the higher governing bodies or courts.
 - (4) To license as preachers laymen who are duly recommended and who after examinations are approved.
 - (5) To superintend the education of students looking forward to the ministry, and to certify them to theological colleges.
 - (6) To enquire, each year, into the personal character, doctrinal beliefs and general fitness of candidates for the ministry, recommended by sessions, official boards or local churches; and, when they have fulfilled the prescribed requirements, to license them to preach and to recommend them for the ordination of the Conference.
 - (7) To induct or install ministers.
 - (8) To deal with matters sent down by the higher governing bodies or courts.
 - (9) To adopt measures for promoting the religious life of the pastoral charges within its bounds.
 - (10) To select non-ministerial representatives to the Conference, of whom at least a majority shall have been previously chosen by pastoral charges to represent them in Presbyteries, and to nominate representatives on the Conference Settlement Committee.
 - (11) To have the oversight of the conduct of ministers within its bounds.

IV.—THE CONFERENCE.

21. The Conference shall consist of the ministers on the rolls of the Presbyteries within its bounds, and an equal number of non-ministerial representatives of pastoral charges chosen as provided for in subsection 20 (par. 10).

22. It shall be the duty of the Conference:

- (1) To meet every year.
- (2) To determine the number and boundaries of the Presbyteries within its bounds, have oversight of them, and review their records.
- (3) To receive and dispose of appeals and petitions, subject to the usual right of appeal.
- (4) To see that, as far as possible, every pastoral charge within its bounds shall have a pastorate without interruption, and that every effective minister shall have a pastoral charge, and to effect this through a Settlement Committee which it shall appoint annually.
- (5) To examine and ordain candidates for the ministry who have fulfilled the prescribed requirements and have been recommended by Presbyteries.
- (6) To receive ministers from other Churches subject to the regulations of the General Council.
- (7) To deal with matters referred to it by the General Council.
- (8) To select an equal number of ministerial and non-ministerial representatives to the General Council.
- (9) To have oversight of the religious life of the Church within its bounds, and to adopt such measures as may be judged necessary for its promotion.

V.—THE GENERAL COUNCIL.

23. The General Council shall consist of an equal number of ministers and non-ministerial representatives chosen by the Conferences. Its regular meeting shall be held every second year. Its presiding officer shall be the chief executive officer of the Church, and during his term of office he may be relieved of his pastoral or other duties.

24. The General Council shall have full power:

- (1) To determine the number and boundaries of the Conferences, have oversight of them, and review their records.
- (2) (a) To legislate on matters respecting the doctrine, worship, membership and government of the Church, subject to the conditions: First, that before any rule or law relative to these matters can become a permanent law, it must receive the approval of a majority of the Presbyteries, and, if advisable, pastoral charges also; Second, that no terms of admission to full membership shall be described other than those laid down in the New Testament;

Testament; and, Third, that the freedom of worship at present enjoyed in the negotiating Churches shall not be interfered with in The United Church.

(b) To legislate on all matters respecting property, subject to the limitations elsewhere provided in this Basis of Union, and subject also to the approval of the Conference in which the property is situated.

(3) To prescribe and regulate the course of study of candidates for the ministry and to regulate the admission of ministers from other Churches.

(4) To receive and dispose of petitions, memorials, etc.

(5) To dispose of appeals.

(6) To determine the missionary policy of the Church, and to provide for the conduct of its missions.

(7) To have charge of the colleges of the Church, and to take what measures are deemed advisable for the promotion of Christian education.

(8) To appoint committees or boards and officers for the different departments of church work, and to receive their reports and give them instructions and authority.

(9) To correspond with other Churches.

(10) And in general to enact such legislation and adopt such measures as may tend to promote true godliness, repress immorality, preserve the unity and well-being of the Church, and advance the kingdom of Christ throughout the world.

THE MINISTRY

I.—PASTORAL OFFICE, INCLUDING TERM OF SERVICE.

Recognizing the desirability of preserving the essence of both the settled pastorate and the itinerancy, the Joint Committee is of the opinion that a harmony of both principles is possible, and that the best features of both systems may be retained. We, therefore, recommend as follows:

1. The pastoral relation shall be without a time limit.

2. The policy of the Church shall be that every pastoral charge shall have, as far as possible, a pastorate without interruption, and that every effective minister shall have a pastoral charge.

3. There shall be for each Conference a Settlement Committee, consisting of ministers and laymen, and appointed annually by the Conference. On this Committee each Presbytery shall be represented. It shall be the duty of this Committee to consider all applications for settlement from ministers and pastoral charges within the district over which it has jurisdiction. For this purpose it shall meet annually before the meeting of the Conference next after that by which it was appointed.

4.

4. A minister by his own action and a pastoral charge through its constitutional representatives may, by such a date before the annual meeting of the Settlement Committee as the General Council shall determine, seek a change of pastoral relation by means of an application through the Presbytery to the Settlement Committee. All such applications shall be in writing.

5. Any pastoral charge, in view of a vacancy, may extend a call or invitation to any properly qualified minister or ministers, but the right of appointment shall rest with the Settlement Committee, which shall report to the Conference for information only.

6. (a) When a pastoral charge about to become vacant at the end of the Conference year, fails to give a call or invitation within the time specified by the General Council, the Settlement Committee shall make the appointment.

(b) When a pastoral charge becomes vacant during the Conference year through death or other emergency, the Presbytery concerned shall confer with the charge itself or with its constitutional representatives, and thereafter may arrange a supply for the remainder of the Conference year.

7. The Settlement Committee shall also have authority to initiate correspondence with ministers and pastoral charges with a view to completing arrangements to secure necessary and desirable settlements.

(a) Any minister shall have the right to appear before the Settlement Committee to represent his case in regard to his appointment; and any pastoral charge or Official Board may also appear by not more than two representatives, properly authorized in writing, appointed from among its members at a regular meeting, or at a special meeting of which proper notice has been given;

(b) When a minister chosen by a pastoral charge cannot be settled, the charge or its constitutional representatives may place other names before the Settlement Committee;

(c) While the right of appointment shall rest with the Settlement Committee it shall comply as far as possible with the expressed wishes of ministers and pastoral charges.

8. There shall also be a committee for the transfer of ministers from one Conference to another, which may be composed of the presiding officer of the General Council of the Church, who shall be the convener and chairman of the committee, together with the presiding officers of the several Conferences. This committee shall have authority to transfer ministers and candidates for the ministry from one Conference to another, in harmony with the plan outlined in sections 3-7.

9. The minister in charge shall be the presiding officer of the Session and of the Official Board.

10. Every minister or candidate for the ministry, duly appointed regular pastor to a pastoral charge, shall have

the right to conduct services in the church, churches or other places of worship in connection with said charge; and the right of occupancy of the manse or parsonage in connection with said charge, subject, however, to the rules and regulations of The United Church.

II.—TRAINING FOR THE MINISTRY

1. No candidate for the ministry shall be received unless he has been first recommended by a session, official board, or local church.

2. The duty of inquiry into the personal character, doctrinal beliefs, and general fitness of candidates for the ministry recommended by sessions, official boards or local churches, shall be laid upon the Presbytery and such inquiry shall be repeated each year until they are recommended to the Conference for ordination.

3. (1) The attainment of a B.A. degree including Greek, to be followed by three years in the study of Theology, is strongly recommended by the Church. Before ordination every candidate shall spend twelve months in preaching and pastoral work.

(2) In cases where the B.A. degree is unattainable, there shall be two alternative courses, both starting from University matriculation.

(a) Three years, at least, in Arts, followed by three years in Theology. Before ordination every candidate shall spend twelve months in preaching and pastoral work.

(b) Two years' preaching under the supervision of a Presbytery, with appropriate studies, and four years of a mixed Arts and Theological course in college.

4. *Suggested Curricula:*

(1) Course of study in Arts under (2) (a). English Language and Literature, three years. Two languages, one of which must be Greek, two years in each.

Philosophy, including Psychology, Logic and Ethics two years. Two other subjects from the Arts curriculum at the option of the student—one year in each.

(2) Course of study under (2) (b):

(a) While under supervision of Presbytery, and engaged in preaching for two years:

English Bible; New Testament in Greek; Elements of Theology—Life of Christ; History of Missions; English Literature; Practical Training, including preparation of sermons.

(b) Four years of mixed Arts and Theological Course in College.

The Arts Course.—English Language and Literature; Philosophy, including Psychology; Logic and Ethics; one language; any one option from the Arts Course.

Theological

Theological Course.—Homiletics; Pastoral Theology; Systematic Theology; New Testament Languages and Literature; Old Testament Literature (English Bible); Church History; Christian Ethics and Sociology.

5. The following is suggested as a comprehensive course in Theology, from which may be selected subjects sufficient to constitute the three years' course in Theology as under 3 (1) and (2) (a):

Old Testament Language and Literature, including Textual Criticism. Exegesis, Biblical Theology, Introduction, Old Testament History and Old Testament Canon; New Testament Language and Literature, including Textual Criticism, Exegesis, Biblical Theology, Introduction, New Testament History and New Testament Canon; English Bible; Church History, including Symbolics; Systematic Theology; Apologetics, including Philosophy of Religion, History of Religion, and Comparative Religion; Christian Ethics and Sociology; Christian Missions; Practical Training, including preparation and delivery of sermons, preparation for and conduct of public worship, administration of the Sacraments, Church Law, the art of teaching and Sunday-school work, public speaking and voice training. Practical Training is to be understood to include not only instruction in these subjects but actual drill wherever the subject admits of it.

6. Provision shall be made in the Theological Colleges for instruction in the subjects of the above suggested course in Theology as far as practicable.

7. In every College special attention shall be given to Practical Training as specified and described above.

8. From the above (5) comprehensive course in Theology the Church shall prescribe certain subjects as compulsory, leaving others to the option of the students in consultation with the College authorities.

9. Candidates for the ministry who have entered on their course in Theology shall be allowed to complete it on the conditions which obtained when they began, but this privilege shall expire within three years from the date of the union.

10. The General Council shall possess the power of ordaining any person to the ministry if it sees fit so to do.

III.—THE RELATIONS OF A MINISTER TO THE DOCTRINES OF THE CHURCH

1. The duty of final inquiry into the personal character, doctrinal beliefs, and general fitness of candidates for the Ministry presenting themselves for ordination or for reception as ministers of The United Church, shall be laid upon the Conference.

2. These candidates shall be examined on the Statement of Doctrine of The United Church, and shall, before ordination, satisfy the examining body that they are in essential agreement therewith, and that as ministers of the Church they accept the statement as in substance agreeable to the teaching of the Holy Scriptures.

3. Further, in the ordination service before the Conference these candidates shall answer the following questions:

(1) Do you believe yourself to be a child of God, through faith in our Lord Jesus Christ?

(2) Do you believe yourself to be called of God to the office of the Christian ministry, and your chief motives to be zeal for the glory of God, love for the Lord Jesus Christ, and desire for the salvation of men?

(3) Are you persuaded that the Holy Scriptures contain sufficiently all doctrines required for eternal salvation in our Lord Jesus Christ, and are you resolved out of the said Scriptures to instruct the people committed to your charge, and to teach nothing which is not agreeable thereto?

ADMINISTRATION

The Joint Committee, after careful consideration of the Missionary, Educational, and other connexional enterprises of the negotiating Churches, submits the following recommendations in relation thereto:

I.—MISSIONS

1. In the administration of the mission work of The United Church there shall be two departments: (a) Home, including all the mission work within the Dominion of Canada, Newfoundland and the Bermudas; (b) Foreign, including the missions already established or that may be established in other countries.

2. For the oversight and administration of these two departments there shall be two Boards to be known as the Board of Home Missions and the Board of Foreign Missions, to be elected in such a manner and endowed with such powers as the General Council may determine.

3. In recognition of the very valuable services rendered by the Woman's Missionary Societies, the union, constitution and lines of work of these societies shall be determined by the joint action of their Boards, subject to the approval of the General Council.

4. There shall be placed under the administration of the Home Mission Board of The United Church the moneys now administered under the caption of the Sustentation Fund, and Church and Parsonage Aid Fund of the Methodist Church;

Church; the Home Mission and Augmentation Funds, French Evangelization Fund, and Church and Manse Fund (except that under the Foreign Mission Board) of the Presbyterian Church; the Home Mission Fund of the Congregational Churches; and such portion of the Mission Fund now raised by the Methodist Church, and the Foreign Mission Board of the Presbyterian Church, as is now expended in Canada, Newfoundland and the Bermudas.

5. There shall be placed under the administration of the Foreign Mission Board of the United Church the Foreign Mission Fund of the Congregational Churches and that portion of the Mission Fund of the Methodist Church and of the Foreign Mission Fund of the Presbyterian Church now expended in other lands.

6. There shall be placed under the administration of the Board of Social Service and Evangelism and the Board of Sunday Schools and Young People's Societies of the United Church the funds now raised for the work of the Departments of Social Service and Evangelism and the Departments of Sunday Schools and Young People's Societies of the negotiating churches.

7. Inasmuch as certain expenses in connection with the various courts of the Church will have to be met, the ways and means of raising these funds shall be left to the General Council.

II.—PUBLISHING INTERESTS.

It shall be left to the General Council of The United Church to determine how far the publications now issued by the negotiating Churches shall be amalgamated.

III.—COLLEGES.

The Colleges at present connected with the negotiating Churches exist, each under its own charter, and in various relations to the respective Churches. These relations affect, first, the appointment of the Governing Board, second, the appointment of Professors in the Faculty of Theology; third, assistance or maintenance from funds controlled by the Church.

1. All the Colleges connected with the three negotiating Churches shall, as far as possible, sustain the same relation to The United Church as, under their charter, they now sustain to their respective Churches, until the General Council shall determine otherwise and necessary legislation shall give effect to changes made thereby.

2. The policy of the Church shall be the maintenance of a limited number of thoroughly equipped Colleges, due regard being paid to the needs of different parts of the country, and in furtherance of this policy amalgamation shall be effected as soon as possible in localities where two or more Colleges are doing the same class of work.

3.

3. In addition to the Governing Boards of the several Colleges there shall be appointed by the General Council a Board of Education, which shall have such a general oversight of the Educational interests of the Church as the General Council may assign to it, and carry out such measures as may be decided in reference thereto.

4. There shall be a general Educational Fund, administered by the Board of Education, for the purpose of supplementing the revenues of the several colleges and assisting students in their preparation for the ministry, and for such other purposes and under such regulations as the General Council may from time to time determine.

5. The several educational institutions shall be encouraged to obtain permanent endowments for their maintenance, may receive contributions for this and other purposes at any time, and, upon receiving the consent of the Board of Education, may proceed to appeal for such funds.

IV.—BENEVOLENT FUNDS.

Whereas there exist, in some form, in all the negotiating Churches funds to aid aged and retired ministers, and widows and orphans of ministers, provision for similar purposes shall be made in the constitution of The United Church by such amalgamation or modification of existing methods as may be found practicable; and such provision shall embrace the following particulars:

1. The rights of present and prospective claimants on existing funds in any of the negotiating churches shall be adequately protected. To this end:

(1) The present capital investments of the various benevolent funds of the negotiating Churches, and the income now contributed to those funds by publishing interests shall be combined into a "common trust," if practicable. The rights of present claimants and of prospective claimants (the latter being computed as of the date of the union) shall be a first charge on the revenue from this trust. If it be found that differences in the constitution and administration of the several funds are such as to necessitate separate trusts, instead of a common trust, this shall be no bar to the carrying out of the general plan, because in that case their revenues shall be combined.

(2) The General Council of The United Church shall provide for (a) the assessing of each minister who is a member of any of the existing funds at the date of the union and of all ministers received into or ordained in The United Church after the union, on the basis of stipend or age, or both stipend and age, as the General Council may determine, and (b) the collecting of contributions, which shall be obligatory upon all local churches, based upon an equitable allocation or assessment under the rules to
be

be formulated by the General Council, the minimum of such allocation or assessment being the amount which, together with the revenue from said trust or trusts and the foregoing assessment upon ministers, is requisite to make good the claims of claimants upon the Superannuation Fund to be instituted by the General Council.

2. Claimants on the proposed Fund shall include the following:

- (a) All ministers who, at the time of the union, are beneficiaries of existing funds.
- (b) All ministers who, at the time of the union, are regular contributors to existing funds on the scale provided by their respective denominations.
- (c) All ministers' widows and orphans who are now, or may hereafter become, entitled to participate in the proposed Fund.
- (d) All ministers, not members of or contributors to existing funds, who may signify their desire to become members of and contributors to the proposed Fund, on the basis of payments sanctioned by the General Council of The United Church.

Provision shall be made whereby ministers so applying may, by a certain scale of payments, be entitled to have their claim upon the proposed Fund date from the time of their reception into the ministry of any of the negotiating Churches instead of from the date of the union.

- (e) All ministers received into or ordained in the Church after the union inasmuch as they shall be required at the time of their reception or ordination to become members of and contributors to the proposed Fund.

3. The sources of revenue of the proposed Fund shall be the following:

- (a) Contributions of ministers who are members of said Fund at its inception, or afterwards become such, on a scale to be adopted by the General Council of the Church.
- (b) Offerings in all local churches based upon an equitable allocation to be made by the Board of Management of said Fund, under regulations sanctioned by the General Council.
- (c) Legacies and donations given for the purpose.
- (d) Such grants from the profits of the publishing interests of the Church as may from time to time be determined under regulations to be framed by the General Council.
- (e) Proceeds of any investments that may be made in the interests of the said Fund.

SCHEDULE B.

TRUSTS OF MODEL DEED

AND it is hereby declared that the said Trustees and their successors or the Trustee or Trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:—

COLUMN TWO

1. For the use and benefit of the said church, charge, circuit, preaching station or congregation, as the case may be (hereinafter called the congregation), as a part of The United Church of Canada, as well for the site of a church, chapel, meeting house, school, manse, parsonage or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, glebe or burial ground, as the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of The United Church of Canada.

2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.

3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the Official Board of the said congregation, the Presbytery and Conference respectively within whose bounds and under whose ecclesiastical jurisdiction the said congregation shall from time to time be, and of the General Council of The United Church of Canada.

4. And upon further trust, to permit, in conformity with the doctrines, discipline, by-laws, rules and regulations of The United Church of Canada and not otherwise, the following:—

(a) The use of the said church, chapel or meeting-house, as a place of religious worship by a congregation of The United Church of Canada and for meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the Session of such congregation, and the conduct of public worship and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the Session or of the said minister, by any other minister of The United Church of Canada or by any minister of any other religious denomination.

(b) The performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;

(c) The use of the manse, parsonage or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;

(d) The use of any church, chapel, meeting-house, school or other building for the purposes of a Sunday school at such hours and times as will not interfere with public worship, and

(e) The use of any buildings erected upon the said lands, other than a church, chapel or meeting-house, for such purposes as may from time to time be approved by the Session of the congregation.

COLUMN ONE

1. Upon trust to use the trust property for purposes directed by congregation and maintenance of public worship.

2. To erect and repair buildings.

3. To obey all lawful orders and directions.

4. To permit use of the trust property for church, manse, and Sunday-school purposes.

5. And upon further trust, to let any pews and seats at a reasonable rent, if so authorized by the Official Board of the congregation, with power to delegate any such letting to any person or persons whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts, to the Treasurer of the congregation, or should there be no Treasurer, then to the Committee of Stewards of the congregation, or such person as shall be designated by the said Committee for the purpose of receiving the same. In case the Trustees are of opinion that any manse, parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may, with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodging of such minister or ministers or the rent for a more suitable and convenient residence for such minister or ministers.

6. The Trustees or a majority of them may, but only with the consent in writing of the Presbytery within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or clerk thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meeting-house upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said Trustees after first paying or otherwise providing for all indebtedness of the Trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the Official Board thereof shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to The United Church of Canada to be applied for such purposes for the benefit of The United Church of Canada as the Conference within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the General Council. Every application by Trustees for the consent of a Presbytery as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of a Presbytery with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Conference within the bounds of which the said lands are situate, at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Presbytery or Conference has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the Trustees. A certificate of the secretary or clerk of any Presbytery or Conference that any such consent has been given shall be sufficient and conclusive evidence of such consent.

5. To let and sell pews and burial plots and to let manses.

6. The trustees shall have power to sell, mortgage, exchange, or lease the trust property with the consent of the Presbytery.

7. The said Trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the Chairman of the Committee of Stewards, and any person or persons named by them or either of them, and the said minister or the said chairman and any person named by them or either of them as aforesaid shall have the right to make such copies or abstracts of or extracts from the said accounts or minutes, as he or they may desire, and upon request from the Committee of Stewards the Trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers and documents relating to the said accounts, for audit by the Committee of Stewards, or such person or persons as the said Committee may appoint for the purpose.

8. Every meeting of Trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each Trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each Trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the Trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any Trustee. All questions shall be determined by the majority vote of the Trustees present at a meeting, and the Chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as Chairman at all meetings of the Trustees and may appoint a deputy to act in his place in his absence, and in the absence of the Minister and of any such deputy the Trustees present may elect a Chairman from among themselves.

9. The number of said Trustees shall not be fewer than three or more than fifteen provided that where the number of existing Trustees is more than fifteen all such Trustees shall remain in office but that no vacancy in the office of trustee shall be filled until the number of Trustees is reduced below fifteen, in which case the number shall not again exceed fifteen. In case any of the said Trustees or any Trustee appointed under this provision shall, during his or her term of office, die, resign or, having been, cease to be a member of The United Church of Canada in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him or her to remain a Trustee, or in case the said congregation shall think proper to remove a Trustee from his or her office as Trustee, it shall be lawful for the said congregation, at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such Trustee

has

7. The trustees shall keep proper accounts and minutes.

8. The trustees shall have seven days' notice of all special meetings and one day's notice of other meetings.

9. The number of trustees shall not be fewer than three or more than fifteen, and vacancies shall be filled by election by the congregation, or in default of such election, by the Presbytery, and the property of a congregation which ceases to exist shall be subject to the trusts determined by the Conference.

has ceased to be a Trustee of the said congregation, and such person shall thereupon cease to be a Trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such Trustee provided, however, that no Trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meeting shall have been mailed to each of the Trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new Trustee or new Trustees (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of Trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any Trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of Trustee, the remaining Trustees, not being fewer than three in number, shall have all the powers of the full board. A majority of the Trustees shall form a quorum save when the number of Trustees exceeds nine, in which case five shall form a quorum. The majority of the Trustees shall be members of The United Church of Canada.

A minute of every such appointment of a Trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three Trustees, the presiding officer or clerk of the Presbytery within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining Trustee or Trustees, be the Trustees under these presents until the full Board is duly appointed, and at any time thereafter the Presbytery may cause notice to be given from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new Trustees. And if the said congregation shall not in the meantime have appointed new Trustees in the manner hereinbefore provided, it shall be lawful for the said Presbytery at any time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the Presbytery, to appoint new Trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication the Trustee or Trustees so appointed shall be a Trustee or Trustees hereunder.

And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Presbytery to fill any vacancy in the number of Trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of The United Church of Canada as the Conference within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the General Council.

10 A Trustee shall not be responsible for the failure of any investment or security made or taken by the Trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

10. Trustees shall not be liable for involuntary loss.

11. In congregations existing previous to the Union which have not adopted the plan of organization prescribed for pastoral charges as provided by the Basis of Union, the words "Official Board" and "Committee of Stewards" and "Session" in this schedule shall mean such Board or Committee or other body respectively discharging similar functions in such congregations, as to which in case of doubt the opinion of the Presbytery to which such congregation belongs shall be final and conclusive.

SCHEDULE

SCHEDULE C.

THE COLLEGES.

Westminster Hall.
 Robertson College.
 Presbyterian Theological College at Saskatoon.
 Moose Jaw College.
 Manitoba College.
 Knox College.
 Queen's Theological College.
 The Ottawa Ladies' College.
 The Presbyterian College, Montreal.
 The Presbyterian College, Halifax.

Columbian Methodist College.
 Ryerson College.
 Alberta College North.
 Alberta College South.
 Mount Royal College.
 Regina College.
 Wesley College.
 Victoria College.
 Albert College.
 Alma Ladies' College.
 Ontario Ladies' College.
 Wesleyan Theological College.
 The Stanstead Wesleyan College.
 The Mount Allison University.
 The Mount Allison Ladies' College.
 The Mount Allison Academy.

The Congregational College of British Columbia.
 The Congregational College of Canada.

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CHAPTER 122

**An Act Respecting the Union of Certain
Churches therein Named.**



CHAPTER 122.

An Act Respecting the Union of Certain Churches Therein
Named.

(Passed the 9th day of May, A. D., 1924).

WHEREAS, the Presbyterian Church in Canada, by its various church courts, the Methodist Church and The Congregational Churches of Canada have by their petition represented that they have agreed to unite and form one body or denomination of Christians under the name of "The United Church of Canada" in accordance with the terms and provisions of a Basis of Union agreed upon by them; and whereas they have petitioned the Parliament of Canada for an Act to incorporate the Church to be formed by the said Union under the name "The United Church of Canada;"

And Whereas, the petitioners have prayed that an Act be passed by the Legislature of this Province to enact as hereinafter set forth with regard to the property, rights and powers hereinafter mentioned;

And Whereas, it is expedient to grant the prayer of the said petition;

Therefore be it Enacted by the Governor, Council and Assembly, as follows:—

1. This Act may be cited as "The United Church of Canada Act."

2. In this Act, unless the context otherwise requires, the expression:—

(a) "The negotiating churches" means the churches mentioned in the preamble, and shall include also every congregation heretofore in connection or in communion with any of the negotiating churches which, prior to the coming into force of this section, has joined with any one or more congregation or congregations of any of the other negotiating churches for purposes of worship and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it holds its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the General Council of local union churches;

(b) "The Basis of Union" means the basis of union mentioned in the preamble and to be set forth in Schedule "A" to the Act of the Parliament of Canada by which the United Church of Canada shall be incorporated;

(c) "Congregation" means any local church, charge circuit, congregation, preaching station or other local unit for purposes of worship in connection or in

· communion with any of the negotiating churches of the United Church of Canada;

(d) "College" means any college, school or other educational institution incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and shall include the colleges and institutions set out in Schedule "B" to this Act;

(e) "The Presbyterian Church in Canada" shall include the Board of the Presbyterian College, Halifax; the Board of trustees of the Presbyterian Church in Canada, Eastern Section; the Board of trustees of the Century Church and Manse Fund of the Presbyterian Church in Canada, Eastern Section; the Church and Manse Board of the Presbyterian Church in Canada; the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada; the Trustees of the Ministers', Widows', and Orphans' Fund of the Synod of the Maritime Provinces of the Presbyterian Church in Canada; and all Presbyterian congregations in this Province separately incorporated under any Statute of the Dominion of Canada or of this Province, and all congregations heretofore and now connected with the Presbyterian Church in Canada whether the same shall have been organized under the provisions of any Statute or Deed of Trust or Act of Incorporation or as union or as joint stock churches or otherwise however;

(f) "The Methodist Church" shall include the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of any Statute of the Parliament of Canada or the Legislature of this Province, and all Methodist congregations separately incorporated under any Statute of this Province;

(g) "The Congregational Churches" shall include The Congregational Union of Canada; The Congregational Union of Nova Scotia and New Brunswick; The Canada Congregational Missionary Society; The Canada Congregational Foreign Missionary Society; The Congregational Provident Fund Society; and all congregations of the Congregational denomination which are represented by the Congregational Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any Statute of the Dominion of Canada or of any Province thereof or have been organized under the Provisions of any Statute or Deed of Trust or as union or as joint stock churches or otherwise however;

(h) "The United Church" means "The United Church of Canada;"

(i) "The Act of Incorporation" means the Act of the Parliament of Canada by which the United Church shall be incorporated;

(j) where the context admits thereof the word "property" shall include any debt and anything in action and any right or interest.

3. Save as hereinafter provided, all property, real and personal, within this Province, belonging to or held in trust for or to the use of the Presbyterian Church in Canada, the Methodist Church, and the Congregational Churches, or belonging to or held in trust for or to the use of any corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of, or in connection with, any of the said churches, shall upon the coming into force of this section be vested in the United Church, to be held, used and administered, subject to the provisions of this Act, in accordance with the terms and provisions of the Basis of Union.

4. Subject to the provisions of Section 6 hereof, all property, real and personal, within this Province, belonging to or held by or in trust for or to the use of any congregation of any of the negotiating churches, shall from and after the coming into force of this section be held, used and administered for the benefit of the same congregation as a part of the United Church in the manner and upon the trusts and subject to the terms and provisions set forth in Schedule "A" to this Act and Schedule "B" to the Act of Incorporation, or in any amendment to said Schedule "B" made by any Act of Parliament of Canada, and all property, real and personal, within this Province thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of the United Church shall be held, used and administered for the benefit of the said congregation as a part of the United Church upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this section or thereafter acquired by devise, bequest, transfer or gift, in trust, for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof, not being contrary to law or to any by-law, rule or regulation of the United Church, and that in the event of failure or partial failure of any of the said trusts, the said property, in the absence of any express provision for such event, may be held, used, administered or disposed of as may be provided by any by-law, rule or regulation made from time to time by the United Church.

5. In any deed, conveyance, or transfer to trustees upon the trusts set forth in said Schedule "A" the form of

words contained in Column 1 of said Schedule "A" and distinguished by any number therein, shall have the same effect as if it contained the form of words in Column 2 of said Schedule "A" distinguished by the same number as is annexed to the form of words in such deed, conveyance or transfer, but it shall not be necessary in any such deed, conveyance or transfer to insert any such number.

6. Any real or personal property belonging to or held by or in trust for or to the use of any congregation, whether a congregation of the negotiating churches or a congregation received into the United Church after the coming into force of this section, solely for its own benefit, and in which the denomination to which such congregation belongs has no right or interest, reversionary or otherwise, shall not be subject to the provisions of Section 3 and 4 hereof or to the control of the United Church, unless and until any such congregation at a meeting thereof regularly called for the purpose shall consent that such provisions shall apply to any such property or a specified part thereof.

7. (a) All trustees, including bodies corporate, acting in any trust for or to the use of any congregation as first referred to in Section 4 hereof, shall, notwithstanding any irregularity in their appointment, and notwithstanding that their number shall not correspond with the number named in the deed of conveyance of the property subject to such trusts, or any of them, be deemed to be and shall be the trustees of the said properties respectively, and shall henceforth hold the same upon and subject to the trusts, terms and provisions set out in Schedule "A" to this Act and in Schedule "B" to the Act of Incorporation and any amendment of said Schedule "B" made by any Act of the Parliament of Canada,

(b) in respect of bodies corporate herein and in Section 20 referred to, unless the context otherwise requires, the word "trustees" as used in Schedule A shall include the individual members thereof.

8. (a) Provided always, that if any congregation in connection or communion with any of the negotiating churches shall, at a meeting of the congregation regularly called and held within six months after the coming into force of this section, decide by a majority of votes of the persons present at such meeting and entitled to vote thereat, not to concur in the said union of the said churches, then and in such case the property, real and personal, belonging to or held in trust for or to the use of such non-concurring congregation shall be held by the existing trustees, or other trustees elected by the congregation, for the sole benefit of said congregation. Should such congregation decide in the manner aforesaid at any later time to enter the union and become part of the United Church, then this Act shall apply to the congregation and all the property thereof from the date of such decision.

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(aa) notwithstanding the provisions of this Sub-section (a) no congregation of the negotiating churches within the Province of Nova Scotia, excepting such congregation as have prior to the passing of this Act joined with any one or more congregations of any of the other negotiating churches for purposes of worship shall be deemed to have entered the Union or become part of the United Church, nor shall the property, real or personal, belonging to or held in trust for or to the use of such congregation be affected by the provisions of this Act, if within six months from the day upon which this Act comes into force such congregation at a meeting of the congregation regularly called shall decide by a majority of votes of the persons present at such meeting and entitled to vote thereat not to concur in the said Union of said churches.

(b) the persons entitled to vote under the provisions of the first clause of this section shall be those who by the constitution of the congregation, if so provided, or by the practice of the Church with which they are connected, are entitled to vote at a meeting of the congregation;

(c) "Congregation" in this section means a local church as mentioned in the Basis of Union.

9. (a) Any commission appointed as provided by the Act of Incorporation shall have and may exercise within this Province all powers, rights and privileges conferred or intended to be conferred upon it by the Act of Incorporation, and any determination, decision, order or direction made or given by any such Commission pursuant to the said Act of Incorporation shall have full force and effect with respect to any property or civil rights within this Province affected thereby;

(b) any determination, decision or order made by the Commission may be made a rule, order or decree of the Supreme Court of this Province, and shall be enforced in like manner as any rule, order or decree of such court. To make such determination, decision or order a rule, order or decree of such court the usual practice and procedure of the court in such matters may be followed, and a copy of any such determination, decision, or order, certified under the hand of the chairman or acting chairman of the Commission, and verified by affidavit or statutory declaration of a witness thereto, shall be sufficient evidence of the due making and validity of any such determination, decision or order.

10. (a) All property belonging to or held by or in trust for or to the use of any congregation of the negotiating churches henceforth to be held, used and administered for the benefit of the same congregation as a part of the United Church, shall remain liable for the payment or satisfaction

of any debts or obligations contracted or incurred in respect thereto to the same extent as it would have been liable had this Act not been passed, but the United Church shall not be or become liable for any of said debts or obligations and, save as aforesaid, no property of the United Church shall be liable for any debts or obligations contracted or incurred by any congregation in connection or in communion with any of the negotiating churches;

(b) upon the vesting of the property of the negotiating churches, or of any corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of or connected with any of the negotiating churches, pursuant to the provisions of Section 3 hereof, the United Church shall become liable for all their respective debts and obligations; provided, however, that this sub-section shall not be deemed to include or apply to any of the property first mentioned in the next preceding sub-section.

11. The provisions of Section 3 hereof shall not apply to any property, real or personal, belonging to or held in trust for or to the use of any college named in Schedule "B" to this Act, or belonging to or held by or vested in any board of trustees, board of directors, board of governors, regents, or other board or committee or body having the control or management of the property or affairs of any college named in said Schedule "B". From and after the coming into force of this section the colleges named in said Schedule "B" and all such boards, regents or other committees or bodies as aforesaid, shall have the same connection with and stand in the same relation to the United Church as they respectively had and stood with and to any of the negotiating churches immediately prior to the passing of the Act of Incorporation, and all rights, powers, authorities and privileges in respect of the said colleges, or any of them, of or vested in any Assembly, Conference, Synod, Presbytery, Council or other governing body of any of the negotiating churches or any officer or board thereof, shall be vested in the General Council of the United Church; provided that the General Council may declare that the said right's powers, authorities and privileges, or any of them, shall be vested in a Conference, Presbytery or other governing body of the United Church or otherwise, as it may deem expedient, and from and after such declaration such rights, powers, authorities and privileges, or any of them, shall vest in accordance with the terms of such declaration. In all cases where a college corporation consists of the ministers and members or the members, or any officers of any of the negotiating churches, or of any governing body thereof (whether with or without named persons) such corporation shall, after the coming into force of this section, consist of the ministers and members of the United

Church. All rights, powers, authorities and privileges in respect of the said colleges vested in any congregation in connection or in communion with any of the negotiating churches, or in any minister and congregation thereof, shall continue to be held and exercised by the said congregation or by the said minister and congregation in connection with the United Church. Nothing in this section contained shall be construed so as in anywise to repeal, alter, affect or vary any existing legislation of this Province relating to any of the said colleges except in so far as may be necessary to give full force and effect to the provisions of the Act of Incorporation and of this Act.

12. Notwithstanding anything contained in any Act of the Parliament of Canada or of the Legislature of this Province, or in any Act, by-law, rule, regulation, declaration or other proceeding of any of the negotiating churches, or of any governing or subordinate court or body of any of them, or in the constitution, by-laws, rules or regulations of or in relation to any of the said colleges, respecting the principles, doctrines or religious standard to be taught and maintained in any such college from and after the coming into force of this section, the colleges shall, in respect of the principles, doctrines, and religious standards to be taught and maintained therein, be subject to the direction and control of the General Council of the United Church, and the teaching or maintenance hereafter in any of the colleges of the principles, doctrines, or religious standards set out in the Basis of Union or hereafter determined or prescribed from time to time by the General Council of the United Church in accordance with Act of Incorporation shall not be deemed to be a change of adherence on the part of any such college or a change of its principles or doctrines or religious standards or a breach of the provision of any statute, Act, by-law, rule, regulation, declaration or other proceeding or constitution, and shall not be deemed to be a breach of any trust relating to property devised, bequeathed, given to or otherwise acquired by or for the benefit of any such college with respect to the teaching or maintenance of any principles, doctrines or religious standards in any of the said colleges, but shall be deemed to be in compliance with and a performance of any such provisions or trusts.

13. Where, prior to the coming into force of this section, any existing trust has been created or declared in any manner whatsoever for any special purpose or object having regard to the teaching, preaching, or maintenance of any principles, doctrines or religious standards, or the support, assistance or maintenance of any congregation or minister or charity, or for the furtherance of any religious, charitable, educational, congregation or social purpose in connection with any of the negotiating churches, such trust shall continue to exist and to be performed as

nearly as may be for the like purposes or objects in connection with the United Church as the United Church may determine, and anything done in pursuance of the Act of Incorporation or of this Act shall not be determined to be a breach of any such trust, but shall be deemed to be in compliance therewith and a performance thereof, and the entry of any congregation into the United Church shall not be deemed a change of its adherence or principles or doctrines or religious standards within the meaning of any such trust.

14. (a) The United Church may by resolution of the General Council establish boards or committees of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interests, institutions and religious or charitable schemes now or hereafter owned, founded or established, define and prescribe the constitution, powers, duties, officers and quorum of any such board or committee, and delegate to any of them such powers as it may deem expedient;

(b) whenever it is deemed expedient to establish as a body corporate any board, committee or other body for any of the purposes of the United Church relating to property or civil rights in this Province, the United Church may establish by resolution of the General Council, or may authorize and empower any conference to establish by resolution of such conference, any such boards, committees, or other bodies, including city mission boards and church extension boards, in accordance with the by-laws, rules and regulations of the United Church in that behalf, and if any such resolution declares such board, committee or other body to be a body corporate, then, upon the filing of the certificate or certificates in this section hereinafter mentioned, the same shall be and become a body corporate with such membership, organization, powers, rights and duties not contrary to law or inconsistent with the Act of Incorporation as may be defined from time to time by the General Council, or such Conference, as the case may be, including the acquiring, holding, administering and disposing of all property, real or personal (but when established by resolution of a conference then only within the bounds of such Conference) which may be devised, bequeathed granted or conveyed to any such board, committee or other body for the purposes of the United Church, and the borrowing of any money necessary in the opinion of such board, committee, or body for the purposes thereof, and the mortgaging, hypothecating or pledging of so much of the real or personal property held by any such board, committee or body as may be necessary to secure any amount so borrowed. In case such board, committee or other body is established by res-

olution of the General Council, the General Council shall file a certified copy of such resolution under the hand of its presiding officer and its secretary or clerk with the Secretary of State for Canada, and in case such board, committee or other body is established by resolution of any Conference the bounds of which are wholly or partly within this Province, such Conference shall file a certified copy of such resolution under the hand of its presiding officer and its secretary or clerk with the Provincial Secretary. A certificate under the official seal of the General Council, or of the Conference by which any such board, committee or body is established, as the case may be, signed by its secretary or clerk, shall be sufficient evidence in all courts of the establishment of such board, committee or body and of its constitution and powers.

15. The United Church shall have power to acquire by purchase, lease, gift, devise or bequest any real or personal property in this Province, or any estate or interest therein, either absolutely or in trust, and subject to the provisions of Sections 4 and 6 of this Act, to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and to give, grant, convey, lease or otherwise alienate any property, real or personal, in this Province to any other church, or religious body or organization, or to any board, committee, trustee or governing body thereof as it may deem expedient in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work. Provided always that no land at any time acquired by the United Church, and not required for its actual use and occupation, or by way of security for the payment of any loan, debt or guarantee, shall be held by it, or by any trustee on its behalf, for a longer period than ten years after it shall have ceased to be so required, but this proviso shall not be deemed in anywise to vary or otherwise affect any trust relating to such property.

16. The United Church may exercise the powers conferred by the next preceding section of this Act, or any of them, by and through such boards, committees or other bodies as the General Council or any Conference or any Presbytery acting within their respective jurisdictions under the provisions of the Basis of Union may from time to time establish or appoint and may determine the method of appointment or election thereof, and may define and prescribe the constitution, powers, duties, officers and quorum of such boards, committees, or other bodies.

17. The United Church and all boards, committees or other bodies established, appointed or created by it pursuant to the provisions of the Act of Incorporation

or of any Act in amendment thereof passed by the Parliament of Canada, or of this Act, shall have and may exercise within this Province all rights, powers, and privileges conferred or intended to be conferred upon it or them by such Acts or any of them.

18. The provision in the Basis of Union that the approval of the Conference in which property is situated is required to enable the General Council to legislate in respect thereof shall be deemed to apply only to such property as belongs to or is held in trust for or to the use of a congregation or as belongs to or is held in trust for or is set apart for or used for the purposes of such Conference.

19. The United Church, and any board or committee thereof or appointed thereby or by any Conference thereof, having charge of any of the funds or property of the United Church, and the trustees of any congregation of the United Church in this Province, provided that such trustees first obtain the consent in writing of the Presbytery within the bounds of which the lands of such congregation are situate, may issue debentures in such denominations and upon such terms as it or they may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized, and the seal (if any) of such United Church, board, committee, or trustees issuing the same for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favor of trustee or trustees for the holders of such debentures upon any real estate in this Province under the control of the United Church or of such board or committee thereof or of the trustees of such congregation.

20. (a) Each board of trustees now or hereafter holding any property in trust for the use or benefit of any congregation with the United Church referred to in Section 4 of this Act, and their successors, shall be a body corporate by the name of the Trustees of the United Church of Canada (at the place where is situate the trust property or the church for the benefit of the congregation worshipping in which the property is held in trust) or by such other name as is or shall be mentioned in the trust deed, or other Act or instrument by which the trusts respectively are or shall be created, and by that name shall hold the property heretofore held by them as trustees and shall have the power and capacity of taking, holding and dealing with any property, real or personal, and all instruments requiring the seal thereof to be affixed thereto shall be executed by such officer or officers as may be authorized thereto by the said body corporate. Provided that in the exercise of such rights, powers and privileges the said body corporate shall be subject to the provisions of this Act, and the trusts, terms and provisions set out in Schedule "A" or Schedule "B" of the Act of Incorporation or to any amendment to said Schedule "B" made by any act of the Parliament of Canada;

(b) where any body of trustees in this section mentioned is already a body corporate such body corporate shall continue under the existing name thereof or such name as the board may adopt at a meeting called for considering a change of name, but such body corporate shall be subject to the proviso set out in the next preceding sub-section. The said proviso shall not, however, apply to any property within the provisions of Section 6 of this Act;

(c) in registering any instrument under the Registry Act, which sets out or refers to the trusts contained in Schedule "A" to this Act or Schedule "B" to the Act of Incorporation, or any amendment to said Schedule "B" made by any Act of the Parliament of Canada, it shall not be necessary to register the said trusts in full, but the Registrar shall enter a note or memorandum upon the record of title of each lot or parcel of land affected thereby, giving the title and chapter of the Act of Incorporation, and of this Act, and the respective dates of the passing thereof, and stating that such land is subject to the trusts thereby created.

21. The provisions of this Act shall not be repealed, altered, affected or varied by any of the provisions of any general Act respecting the property of religious societies, congregations or institutions in force in this Province, but the provisions of any such general Act shall, when not inconsistent with the provisions of this Act, be construed as supplementary thereto.

22. All acts or things done by or under the authority of the General Council of the United Church at the first meeting thereof held pursuant to the Act of Incorporation, or any adjournment of such meeting, shall, within this Province, be valid and binding to the extent provided in the Act of Incorporation.

23. So far as the Legislature of this Province has power to enact, and notwithstanding anything in the Act of Incorporation, or in this Act contained,

(a) the General Assembly of the Presbyterian Church in Canada, the General Conference of the Methodist Church, and the Congregational Union of Canada, shall continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until the first meeting of the General Council;

(b) all Synods and Presbyteries of the Presbyterian Church in Canada, all Conferences and district meetings of the Methodist Church and all associations of the Congregational Churches of Canada, and all other courts or governing bodies of any of the negotiating churches, shall continue to have, exercise and en-

joy all or any of their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed until such time or times as the United Church by its General Council shall declare that the said powers, rights, authorities and privileges, or any of them, shall cease and determine;

(c) every corporation, board, committee, and other body, whether incorporated or unincorporated, created by or under the government or control of or in connection with any of the negotiating churches, shall continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until such time or times as the United Church by its General Council, or otherwise, shall declare, that the said powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered as set out in such declaration, and thereupon such powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered, as the case may be, in accordance with the terms of such declaration or declarations from time to time made.

24. All the resolutions passed by the General Council shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of the United Church.

25. All copies of the Basis of Union and of any by-laws, resolutions, rules or regulations in this Act referred to, or of any amendment or alteration thereof purporting to be published under the direction or authority of the General Council of the United Church, or a copy of any by-law, resolution, rule or regulation of the General Council purporting to be under the seal of the United Church and to be signed by the secretary, shall be *prima facie* evidence in all courts of the contents thereof without proof of authenticity of such seal or signature.

26. So far as the Legislature of this Province has power to enact, the Basis of Union is hereby ratified and confirmed, and in so far as the terms and provisions thereof are not inconsistent with the provisions of this Act, they shall have the same force and effect as if expressly set out therein.

27. The provisions of the Act of Incorporation shall have full force and effect with respect to any property or civil rights within this Province.

28. All Acts and portions of Acts of the Legislature of this Province inconsistent with the provisions of this Act are hereby repealed in so far as may be necessary to give full effect to this Act.

29. This Act shall come into force on the day upon which the United Church shall be incorporated by Act of

the Parliament of Canada, provided that the said date in respect of the whole of this Act or any section or sections thereof may be altered to such date or dates as shall be fixed by proclamation of the Lieutenant-Governor-in-Council to be made upon the request in writing of the sub-committee on Law and Legislation of the joint committee on Church Union to be evidenced by the hands of its chairman and secretary.

SCHEDULE A.

TRUSTS OF MODEL DEED.

AND it is hereby declared that the said trustees and their successors or the trustee or trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:—

1. For the use and benefit of the said church, charge, circuit, preaching station or congregation, as the case may be, (hereinafter called the congregation) as a part of the United Church of Canada, as well for the site of a church, chapel, meeting house, school, manse, parsonage or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, glebe or burial ground, as the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the United Church of Canada.

2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.

3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the official board of the said congregation, the Presbytery and Conference respectively within whose bounds and under whose ecclesiastical jurisdiction the said congregation shall from time to time be, and of the General Council of the United Church of Canada.

4. And upon further trust, to permit, in conformity with the doctrines, discipline, by-laws, rules and regulations of the United Church of Canada, and not otherwise, the following:—

(a) the use of the said church, chapel or meeting house, as a place of religious worship by a congregation of the United Church of Canada and for

meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the session of such congregation, and the conduct of public worship and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the session or of the said minister, by any other minister of the United Church of Canada or by any minister of any other religious denomination;

(b) the performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;

(c) the use of the manse, parsonage or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;

(d) the use of any church, chapel, meeting house, school or other building for the purposes of a Sunday School at such hours and times as will not interfere with public worship; and

(e) the use of any buildings erected upon the said lands, other than a church, chapel or meeting house, for such purposes as may from time to time be approved by the Session of the congregation.

5. And upon further trust, to let any pews and seats at a reasonable rent, if so authorized by the official board of the congregation, with power to delegate any such letting to any person or persons whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price, or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts, to the Treasurer of the congregation, or should there be no Treasurer, then to the committee of stewards of the congregation, or such person as shall be designated by the said committee for the purpose of receiving the same. In case the trustees are of opinion that any manse, parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may, with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodgings of such minister or ministers or the rent for a more suitable and convenient residence for such minister or ministers.

6. The trustees or a majority of them may, but only with the consent in writing of the Presbytery within the bounds of which the lands are situate, (such consent to be under the hand of the presiding officer or secretary or clerk thereof) sell the said lands or any part thereof either by

public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meetinghouse upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purpose of such congregation as the official board thereof shall direct but should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to the United Church of Canada to be applied for such purposes for the benefit of the United Church of Canada as the Conference within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the General Council. Every application by trustees for the consent of a Presbytery as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of a Presbytery with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Conference within the bounds of which the said lands are situate, at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Presbytery or Conference has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to inquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the secretary or clerk of any Presbytery or Conference that any such consent has been given shall be sufficient and conclusive evidence of such consent.

7. The said trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the chairman of the committee of stewards, and any person or persons named by them or either of them, and the said minister of the said chairman and any person named by them or either of them as aforesaid shall have the right to make such

copies or abstracts of or extracts from the said accounts or minutes as he or they may desire, and upon request from the committee of stewards and trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers, and documents relating to the said account, for audit by the committee of stewards, or such person or persons as the said committee may appoint for the purpose.

8. Every meeting of trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting, and the chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as chairman at all meetings of the trustees and may appoint a deputy to act in his place in his absence, and in the absence of the minister and of any such deputy the trustees present may elect a chairman from among themselves.

9. The number of said trustees shall not be fewer than three or more than fifteen, provided that where the number of existing trustees is more than fifteen all such trustees shall remain in office, but that no vacancy in the office of trustees shall be filled until the number of trustees is reduced below fifteen, in which case the number shall not again exceed fifteen. In case any of the said trustees or any trustee appointed under this provision shall, during his or her term of office, die, resign or, having been, cease to be a member of the United Church of Canada in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him

or her to remain a trustee, or in case the said congregation shall think proper to remove a trustee from his or her office as trustee, it shall be lawful for the said congregation, at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such trustee has ceased to be a trustee of the said congregation, and such person shall thereupon cease to be a trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such trustee; provided, however, that no trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meetings shall have been mailed to each of the trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or new trustee (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of trustee, the remaining trustees, not being fewer than three in number, shall have all the powers of the full board. A majority of the trustees shall form a quorum save when the number of trustees exceeds nine, in which case five shall form a quorum. The majority of the trustees shall be members of the United Church of Canada.

A minute of every such appointment of a trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three trustees, the presiding officer or clerk of the Presbytery within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining trustee or trustees, be the trustee under these presents until the full board is duly appointed, and at any time thereafter the Presbytery may cause notice

to be given, from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new trustees. And if the said congregation shall not in the meantime have appointed new trustees in the manner hereinbefore provided, it shall be lawful for the said Presbytery at any time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the Presbytery, to appoint new trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication the trustee or trustees so appointed shall be a trustee or trustees hereunder.

And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Presbytery to fill any vacancy in the number of trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the United Church of Canada as the Conference within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the General Council.

10. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

11. In congregations existing previous to the Union which have not adopted the plan of organization prescribed for pastoral charges as provided by the Basis of Union, the words "Official Board" and "Committee of Stewards" and "Session" in this schedule shall mean such board or committee or other body respectively discharging similar functions in such congregations, as to which in case of doubt the opinion of the Presbytery to which such congregation belongs shall be final and conclusive.

SCHEDULE B.

Board of the Presbyterian College, Halifax.

STATUTES OF NOVA SCOTIA.

15-16 GEORGE V., 1925.

CHAPTER 167.

An Act to Amend Chapter 122, Acts of 1924, entitled,
“ An Act Respecting the Union of Certain Churches therein
named.”

(Passed the 7th day of May, A.D., 1925.)

BE it enacted by the Governor, Council, and Assembly,
as follows :—

1. Chapter 122 of the Acts of 1924 is amended by the
addition of the following sub-section to Section 8 :

(*d*) 1. Any vote on the question of entering the said
union taken in a congregation prior to the coming
into force in pursuance of and in accordance with the
provisions of the Act of incorporation, shall be
deemed to be the vote of such congregation for the
purposes of this Act.

1924, C. 122,
S. 8, amended.
Vote on union
prior to Act of
Incorporation.

2. Notwithstanding any informality in the taking of any
vote or defect in the proceedings relating thereto, and notwith-
standing that persons not entitled to vote have voted, or that
persons entitled to vote have been deprived of the vote, all
votes taken or purporting to have been taken in pursuance of
the Act of incorporation shall be valid and binding upon the
congregations respectively in which such votes have been taken
unless on or before the 10th day of June, 1925, a proceeding is
taken in the Supreme Court of Nova Scotia for the purpose
of having such vote set aside or declared of no effect.

Votes validated
notwith-
standing
irregularities.

STATUTES OF NOVA SCOTIA.

38 VICTORIA, 1875.

CHAPTER 100.

An Act concerning the Presbyterian Church of the Lower Provinces of British North America.

(Passed the 6th day of May A.D. 1875.)

WHEREAS, negotiations have been entered into between the churches known as the Canada Presbyterian Church, the Presbyterian Church in Canada in connection with the Church of Scotland, the Presbyterian Church of the Lower Provinces of British North America, and the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland, to affect an union under the title of "The Presbyterian Church in Canada"; and the terms of such union have been finally assented to by the Supreme Courts of those churches respectively :

AND WHEREAS, it is advisable, before the union of the negotiating churches is consummated, to protect the property and rights of the congregations connected with the Presbyterian Church of the Lower Provinces of British North America in this Province who may enter into such union, and also to protect the various funds and other property of such church held by its Board of Education :

BE IT THEREFORE ENACTED, by the Governor, Council and Assembly as follows:—

1. As soon as the union takes place all property, real and personal, within Nova Scotia now belonging to or held in trust for or to the use of any congregation in connection or communion with the Presbyterian Church of the Lower Provinces of British North America, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body, under the name of "The Presbyterian Church in Canada."

2. Provided always, that if any congregation in connection or communion with such church shall, at a meeting of such congregation, regularly called according to the constitution of such congregation, or the practice of the church with which it is connected, and held within six calendar months after such union takes place, decide by a majority of the votes of those who, by the constitution of the congregation or the practice of the church with which it is connected, are entitled to vote at such meeting, not to enter into such union, but to dissent therefrom ; then, and in such case, the congregational property of such congregation shall remain unaffected by this Act or by any of the provisions thereof ; but, in the event of any congregation so dissenting, at any future time resolving to enter into and adhere to such united church, then, from the time of such resolution being come to, this Act and the provisions thereof shall apply to the property of such congregation.

3. Congregations may from time to time alter or vary any of the provisions contained in the trust deeds under which their property is held, or in their constitutions, which relate to the mode in which their affairs and property shall be managed or regulated, and to the persons who shall be entitled to take part in such management, or to vote at meetings of the congregations on questions affecting the affairs and property of the congregations or the management thereof ; but the sanction of the Presbytery within whose bounds any such congregation is placed shall be obtained before any such alteration or variation shall take effect.

4. All other property, real and personal, belonging to or held in trust for or to the use of such Presbyterian Church of the Lower Provinces, or for any college or educational or other institution, or for any trust in connection with such church or religious body, 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 of the Presbyterian Church in Canada, or for or to the use in like manner of such college, educational, or other institution, or trust in connection therewith. All such property, real and 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 authorities under which the same is now held or administered. Provided always, that the relation now subsisting between such Presbyterian Church of the Lower Provinces of British North America and the Governors of Dalhousie College in Halifax, whereby such

church contributes towards the support of the institution, the salaries of two professors, shall remain in force as heretofore, until the same be altered or revoked by the Presbyterian Church in Canada, or by the Board of Governors of such College.

5. The several funds of the Presbyterian Church of the Lower Provinces, held by any board or committees in connection therewith, for the benefit of widows and orphans of ministers, for the benefit of aged and infirm ministers, for the support of the home and foreign mission schemes of the church, and the fund known as the Geddie Memorial Fund, shall bear the same relation in all respects to the General Assembly of the Presbyterian Church in Canada that they now bear to the Synod of the Presbyterian Church of the Lower Provinces ; and until such General Assembly shall provide or otherwise direct, such several funds shall be managed and directed by the boards or committees now having charge thereof ; and, until such provision is made, vacancies occurring in any of such respective organisations shall not be filled up as hitherto, but shall be filled up by the remaining members of each of such organisations for their respective bodies, and the General Assembly of such Presbyterian Church in Canada, shall have power to unite any of such funds with the funds held by any other of the uniting churches for similar objects.

6. All the funds and property in the possession or under the control of the Board of Education of the Presbyterian Church of the Lower Provinces, as incorporated by Chapter 68 of the Acts of this Province for the year 1861, shall, until the General Assembly of the Presbyterian Church in Canada shall otherwise provide for the management thereof, remain in the charge of such Board, and its officers as heretofore ; and all their acts in relation thereto shall be as valid as if this Act had not passed.

7. So much of the existing law as is inconsistent with this Act is repealed.

8. This Act shall come into force so soon as the union of the four churches named and mentioned in the preamble shall have been consummated, and the articles of such union shall have been signed by the Moderators of such respective churches.

R U L E S
AND
F O R M S O F P R O C E D U R E
In the Church Courts of the Presbyterian
Church in Canada.

[THE BLUE BOOK—EXHIBIT 1.]

PREFATORY NOTE TO SECOND EDITION.

WHEN the several Presbyterian Churches in the Dominion were united in the year A.D. 1875, in the Presbyterian Church in Canada, a large Committee was appointed to deal with all matters necessary for the complete organisation of the Church. In the following year a report was submitted to the General Assembly by this Committee regarding Ecclesiastical Procedure, and a special Committee was appointed to put the matter that had been prepared into complete form for presentation to the next Assembly. The Rev. George Bell, LL.D., was Convener of that Committee. After presenting interim reports for two years, the Committee in 1879 made its final report, which was adopted with instructions to the Committee "to avail themselves of the suggestions of Presbyteries, for the purpose of making the Book of Forms as complete as possible; and to publish the book, thus amended, as a useful guide to the office-bearers of the Church." Before the end of that year the book was published.

The first issue of the Book of Forms being exhausted, the General Assembly of 1883 appointed a Committee with instructions "to revise the book and so to modify the rules of procedure as to bring them into conformity with the legislation of the Church enacted since the approval of the book in 1879, and to remove other imperfections." This Committee presented its work and reported to the Assembly from year to year. In 1887 the book, as revised, was sent down to Presbyteries for their consideration, and additional changes were thereafter made in view of the criticisms and suggestions of Presbyteries. The final report was presented to the last General Assembly, and recommendations were adopted, viz. :

1. "That the Book of Forms, as now submitted to the Assembly, be approved and adopted as a useful guide for the members, the office-bearers and the Courts of the Church in the transaction of ecclesiastical business."

2. "That the book be published as soon as practicable, and that Dr. Laing, Dr. Reid and W. B. McMurrich, Esq., be a Committee, with power to add to their number, with instructions to consider and determine all matters of detail, to secure the copyright and make all necessary arrangements."

The Book of Forms having been thus carefully prepared will, it is hoped, be found to exhibit in a satisfactory manner the ordinary practice of this Church in the transaction of business.

JOHN LAING,
Convener of Committee.

Dundas, Ont.
November 1st, 1889.

PREFATORY NOTE TO THIRD EDITION.

IN 1900, the General Assembly, moved by an overture "to revise the Book of Forms, in view of additions and changes relating to the Church's practice," appointed a Committee "to consider the prayer of the overture and report to next Assembly." The Committee reported to the General Assembly of 1901 that a revision was desirable, and the same Committee, with two additional members, was appointed to submit to the following Assembly "such changes and additions as the experience and legislation of the Church have made necessary," "it being an instruction to the Committee to introduce no changes that would imply a departure from the present constitutional practice of the Church, so as to avoid the delay and expense that would be involved in sending down the book to Presbyteries." The Committee put themselves in communication with the clerks of Synods and Presbyteries, asking for suggestions, and gave in an interim report to the Assembly of 1902, when they were empowered to issue the book, "with the amendments which the progress of legislation and the practice of the Church have made necessary." Considerable additional matter has had to find a place in this edition; but it was found desirable also to omit a considerable amount of what was embraced, especially in the Appendix, in the last edition, so that the bulk of the handbook remains about the same. One notable improvement has been, affixing the date of new legislation, so that it can be easily found in the Assembly Minutes.

The Book being thus up-to-date, as setting forth the law and practice of the Church, will, it is believed, be found useful to Congregations, sessions, Presbyteries, and Synods, as well as to the General Assembly.

ROBERT CAMPBELL,
Convener of Committee.

Montreal.

THE CHURCH.

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THE CONGREGATION, OR PARTICULAR CHURCH.

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19. Meetings of the congregation are called by the authority of the Session of its own motion or on requisition in writing of the Deacon's Court or Board of Managers, or of a number of persons in full communion, or by mandate of a superior court. Meetings are called by public notice, read before the congregation on the Lord's Day; such notice specifies the object of the meeting and is given on at least one Sabbath before the time of meeting, unless otherwise and specially provided for. Congregational meetings are opened and closed with prayer.

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THE SESSION.

49. The Session consists of the minister, or ministers, and elders of a congregation.

50. The duty of the Session is to watch over and promote in every Scriptural way the spiritual interests of the congregation; more particularly to receive applicants for admission into the Church, to watch over those who have been baptised and to admit them into full communion, and to receive persons bringing certificates of membership from other congregations; to grant certificates to members leaving the congregation; to watch over the Christian deportment of the members of the congregation; to exercise discipline by admonition, rebuke, suspension, or exclusion from membership; to restore to privileges; to care for the religious instruction of the young, including the oversight of Sabbath Schools; to determine all matters touching the order of public worship, including the service of praise; to arrange for the dispensation of the sacraments; to appoint congregational fasts or thanksgivings; to appoint the time and mode of making special collections, and, where there are no deacons, to provide for the necessities of the poor; to call congregational meetings; to examine and judge of the qualifications of persons elected to the eldership and the deaconship; to receive and judge of petitions; to transmit papers to the Presbytery, and to do whatever else may, in their opinion, promote the religious interests of the congregation.

51. Each elder should have a district assigned to him. He should keep a list of the communicants and adherents residing within the same and should cultivate special acquaintance with them, visiting, counselling and encouraging or warning them, as may be required.

52. The minister is moderator of the Session. Where there are two ministers they preside alternately, or as may be agreed between them.

53. The duty of the moderator is to preside ; to preserve order ; to take the vote ; to announce the decisions of the court and to pronounce censures. The moderator may introduce any competent business, and may express his views upon any matter under consideration. He has only a casting vote.

54. In the absence of the moderator, or when, for prudential reasons, he deems it better not to preside, another minister of the Church, having authority from him, may act as moderator *pro tempore*. When the minister has been removed by death or otherwise, or is under suspension, a moderator *pro tempore* is appointed by the Presbytery.

55. The Session appoints its clerk, whose duty it is to keep a record of the proceedings, to preserve all papers, and, when instructed, to give certified extracts from the minutes. The record is transmitted annually to the Presbytery for review.

56. The Session also may appoint a treasurer to take charge of any funds at its disposal.

57. The Session, as far as practicable, holds stated meetings for the transaction of business ; it may also hold meetings for devotional exercises and religious conference. Meetings of Session are not usually open to the congregation ; but the Session may hold open meetings when deemed advisable.

58. The moderator has power to convene the Session when he sees fit ; and he is bound to do so when enjoined by a superior court or requested by one-third of the elders. Meetings are called on the authority of the moderator, either by notice from the pulpit or by personal notice to the members.

59. The moderator and two other members constitute a quorum. When, from any cause, the number of elders is not sufficient to form a quorum, application is made to the Presbytery for assessors to act with the other members until new elders have been elected.

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THE PRESBYTERY.

Declaratory Act (Minutes, 1911, p. 25) Amended
(Minutes, 1917, p. 64).

74. The Presbytery consists of :—

- (1) Ordained ministers within the bounds (*a*) who are pastors of congregations ; (*b*) who are professors of theology in the Church, or professors in colleges connected with the Church ; (*c*) who are employed by appointment of the General Assembly in some department of the work of the Church ; (*d*) who have been appointed to mission fields in Canada for not less than one year, with the sanction of one of the Assembly's Mission Committees (Minutes 1878, p. 36) ; (*e*) who by special enactment of the Assembly have their names placed on the roll ; (*f*) ministers who have retired from the active duties of the ministry with the leave of the Assembly, shall be kept on their respective Presbytery rolls, retaining all their judicial functions (Minutes, 1880, p. 51 ; Minutes, 1917, p. 64) ; (*g*) ministers appointed by this Church, with sanction of the General Assembly, missionaries to foreign fields where there is no local Presbytery of this Church ; (*h*) minister-evangelists who have received appointments from Presbyteries for two years, with consent of the Home Mission Committee (Minutes, 1910, p. 37) ; (*i*) ordained assistant ministers, appointed for a term of not less than one year may become members of Presbytery, if the Presbytery within which they labour, shall, on the application to the Presbytery of the congregation concerned, by special resolution so determine (1917, p. 64).
- (2) An elder from each pastoral charge and representative elders from mission fields, in which are organised sessions, whether the field be a single station or consist of a group of stations ; also *bona fide* acting elders, appointed annually by Presbyteries, at the first meeting after the General Assembly, to make the number of elders on the roll of Presbytery equal to the number of ministers thereon.

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75. The duties of the Presbytery are : to receive and dispose of petitions, references, complaints, and appeals from Sessions ; to transmit petitions and overtures to the Synod or General Assembly ; to provide for the supply of ordinances in congregations ; to form mission stations and new congregations ; to superintend the education of students having the

ministry in view ; to certify students for admission to the theological halls ; to examine and license preachers of the Gospel ; to moderate in calls given to ministers, and to receive, sustain, or set aside the same ; to try candidates for the ministry and ordain them when found qualified ; to induct into the pastoral office ; to judge of matters affecting the moral character of ministers and licentiates ; to admonish, rebuke, suspend, depose, or excommunicate offenders ; to receive demissions, and to loose ministers from their charges ; to review the records of the Session ; to adopt measures for promoting the religious life of the several congregations within the bounds, and to visit them for the purpose of enquiring into their state and redressing evils that may arise ; to deal with matters sent down by the superior courts ; and in general to superintend the congregations and Sessions within the bounds.

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