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ACT

OF THE

LEGISLATURE OF QUEBEC,

38 VIC. CAP. 64,

REGULATING THE MANAGEMENT OF THE

TEMPORALITIES FUND.

AND

BY-LAWS

ENACTED BY THE

Beneficiaries of the Temporalities Board

OF THE

Presbyterian Church in Canada.

Printed for the use of the Beneficiaries.

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TEMPORALITIES BOARD.

*Act of the Legislature of the Province of Quebec,
assented to 23rd February, 1875, under which
the Temporalities Fund is now administered.*

38 VICT., CAP. 64.

WHEREAS by Petition it hath been represented that the Synods of the Presbyterian Church of Canada in connection with the Church of Scotland, of the Church of the Maritime Provinces in connection with the Church of Scotland, of the Presbyterian Church of the Lower Provinces and the General Assembly of the Canada Presbyterian Church have agreed to unite together, and to form one body or denomination of Christians, under the name of "The Presbyterian Church in Canada;" and that the "Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and amendment thereto, require to be amended with a view to such union; and in order to the carrying into effect of certain resolutions passed by the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland with reference to said Temporalities Fund, and for the protection of those interested in same.

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Notwithstanding anything in the said Act and amendment or amendments thereto, from and after the time when the Moderators of the aforesaid Churches negotiating for union shall have signed the terms of union agreed upon, until all the present vested rights of all ministers and probationers shall have ceased or lapsed, the said Temporalities Fund shall remain as at present in the hands of a Board, the membership of which shall be continued after the con-

summation of union in the manner hereinafter provided ; and the administration of the fund shall continue on the same principles and for the same purposes as at present, until the vested rights of all ministers and probationers shall have lapsed ; and these rights shall be held to be the following : (1.) The annual receipt by ministers now receiving four hundred and fifty dollars (\$450), four hundred dollars (\$400), or two hundred dollars (\$200), of the same amount during their lifetime and good standing in the Church ; (2.) The annual receipt of two thousand dollars (\$2,000), in perpetuity, by the Treasurer of Queen's College, for the use and benefit of the said college ; (3.) The annual receipt of two hundred dollars (\$200) by all the ministers who shall be on the Synod Roll and by all recognized probationers and licentiates engaged in active service at the time of the union, during the lifetime and good standing in the Church of such ministers, probationers and licentiates ; all salaries of two hundred dollars to be increased to four hundred dollars (\$400) each, when the recipients of them shall have retired or who have already retired in the Province of Quebec, with the consent of the Church, from the active duties of the ministry. The Temporalities Board shall, if necessary, draw upon the capital of the fund in order to meet the aforesaid requirements. So soon as any part of the revenue accruing from said fund is not required to meet the payments of said incomes and other vested rights in the fund, and expenses therewith, the same shall pass to and be subject to the disposal of said united Church ; and so soon as the fund, or any part of it, shall no longer be required for these purposes, it shall, with the exception of the aforesaid annual payment to Queen's College of two thousand dollars (\$2000), or the same capitalized (and the Board shall have power at any time after the passing of this Act to capitalize the same and pay it over to the Treasurer of Queen's College for the use and benefit of the said college), be appropriated to a Home Mission Fund for aiding weak charges in the united Church.

2. Provided always, that all ministers and probationers interested or possessing rights in or to the said Temporalities Fund at the time when such union may be carried into effect, who decline to become parties to such union, or to enter into the said proposed united Church, shall be entitled to all the pecuniary rights and claims upon the said fund they would have enjoyed had they entered into such union, that is to say, so long as they shall continue to be Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired ; provided that the successors of ministers of congregations in the Province of Quebec, existing at the

time of the Union which do not enter into such union, shall retain the same rights to the benefits of the Temporalities Fund which they would have had if such union had not taken place, and the said Board shall administer the said fund so as to protect their rights until their said rights shall have respectively lapsed and been extinguished ; Provided also, that nothing contained in this Act shall be so construed as to deprive any professor in Queen's College of any right to participate in the said Temporalities Fund to which, as a minister of the Presbyterian Church of Canada in connection with the Church of Scotland, he would have been entitled had he continued in the active duties of the ministry of the said Church.

3. As often as any vacancy in the Board for the management of the said Temporalities Fund occurs, by death, resignation or otherwise, the beneficiaries entitled to the benefit of the said fund may each nominate a person, being a minister or a member of the said united Church ; or in the event of there being more than one vacancy, then one person for each vacancy, and the remanent members of the said Board shall thereupon from among the persons so nominated as aforesaid, elect the person or number of persons necessary to fill such vacancy or vacancies, selecting the person or persons who may be nominated by the largest number of beneficiaries to nominate as aforesaid, the remanent members of the Board shall fill up the vacancy or vacancies from among the ministers or members of the said United Church.

4. The said Board of Management shall, within twelve months after the passing of this Act, call a meeting of the said beneficiaries at such time and place as may be found most convenient, and at such meeting the said beneficiaries shall have power to make by-laws regulating all matters relating to the mode in which notice of vacancies occurring as aforesaid shall be given to them, the time within which such notice shall be given, the form of nomination papers, the time after receiving notice of a vacancy within which the same are to be sent in, the person or persons to whom the same shall be sent and by whom the same shall be opened, the recording the result of such nominations and of the elections consequent thereon, and all other matters relating to or affecting such nominations and elections.

5. The Board of Management of the said Temporalities Fund shall once in each year transmit by post to each beneficiary a printed statement of the affairs of said fund, and a report of the proceedings of the Board for the preceeding year containing such information as

may be required by the by-laws to be passed, as hereinafter provided.

6. The books and affairs of the said Board shall be audited once in each year by auditors appointed by the beneficiaries, in manner hereinafter provided.

7. At the meeting to be called and held pursuant to section 4, the beneficiaries may make by-laws regulating the appointment of auditors, and all matters relating to the audit of the affairs of the fund, and to the annual statement and report to be made under section 5.

8. The 3rd section of this Act shall continue in force until the number of beneficiaries is reduced below fifteen ; and so soon as the number is reduced below fifteen, the said Board shall be continued by the remanent members filling up any vacancy or vacancies from among the ministers or members of the united Church, and the auditors shall in like manner be appointed by the said Board.

9. All provisions contained in any previous Act or amendment inconsistent with the provisions of this Act, relating to the said Board for the management of the Temporalities Fund are hereby repealed.

10. This Act shall come into force so soon as a notice shall have been published in the Quebec *Official Gazette* that the Articles of such union have been signed by the Moderators of the said respective Churches.

11. This Act shall be deemed a public Act.

BENEFICIARIES

OF THE

TEMPORALITIES BOARD.

BY - LAWS.

At a meeting of the Beneficiaries of the Temporalities Board, duly convened and held in St. Paul's Church, Montreal, on Wednesday the second day of February, 1876, in conformity with the provisions of the Act of the Province of Quebec, 38 Vic. Chap. 64, intituled an Act to amend the Act intituled "An Act to incorporate the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland."—*Assented to 23rd February, 1875*,—and pursuant to notice from the Chairman of the Temporalities Board, the Rev. John H. Mackerras was appointed Chairman of said meeting, and the Rev. James Patterson was appointed to act as Secretary.

The meeting having been constituted with prayer, the Secretary read the said Act of Parliament. He also read the circular from the Chairman of the Temporalities Board which is as follows:—

TEMPORALITIES BOARD,
MONTREAL 21st January, 1876.

DEAR SIR,

In conformity with the provisions of the Act of the Province of Quebec, 38 Vic. Cap. 64, and in compliance with a resolution of the Temporalities Board, I hereby summon a meeting of the Beneficiaries of the Temporalities Fund to be held in the School-room of St. Paul's Church, on Wednesday the second day of February next, at noon, for the purpose of adopting a Code of By-laws for the guidance of the Beneficiaries and the transaction of other competent business.

WILLIAM DARLING,

Chairman.

The following By-laws were then, under authority of the said Act, agreed to unanimously and passed.

I.

Within ten days after the occurrence of a vacancy in the Board of Management of the Temporalities Fund shall have come to the knowledge of the Secretary to the Board, he shall cause to be mailed to each Beneficiary an intimation of the same, duly registered, and shall enclose therewith a paper for the nomination of a person to fill the vacancy, which paper shall be returnable to the Secretary of the Board not later than forty days from the date of his intimation. Unless the nomination paper, duly dated and signed, be in the possession of the Secretary of the Temporalities Board within forty days from the time of issuing his intimation of said vacancy, such nomination shall not be taken into account.

II.

The intimation of a vacancy by the Secretary may be in the following form :

To the Rev.———,

SIR,

A vacancy having occurred in the Board of Management of the Temporalities Fund by the death [or resignation, removal or otherwise] of the Rev. ——, [or Mr.——], I enclose a paper for the nomination of a Minister [or other member as the case may be] of the Presbyterian Church in Canada to fill the said vacancy. You will please insert in the blank left for the purpose the name of the person you may wish to nominate, and take notice that your nomination will be of no account unless the nomination paper now enclosed, after being duly dated and signed by you, be in my office within forty days after the date of issuing this intimation.

Dated ——,

Signed ——,

Secretary-Treasurer, Temporalities Board.

III.

The nomination paper to be enclosed with the Secretary's intimation may be in the following form :—

I hereby nominate _____, to fill the vacancy in the Board of Management of the Temporalities Fund caused by the death [or resignation, removal or otherwise] of _____

Dated at _____, Signature _____
 In the Province of _____,
 this _____ day of _____ 18 .

IV.

In the event of there being two or more vacancies at the same time, the Secretary to the Temporalities Board shall issue a separate intimation and nomination paper for each such vacancy.

V.

The Secretary to the Temporalities Board shall open the nomination papers addressed to him, and in a book prepared and kept for the purpose, shall enter in the order in which the papers shall be opened the names and residences of the Beneficiaries returning them, the dates of receipt, and the persons nominated.

VI.

The Secretary shall, within ten days after the expiry of the forty days within which said nomination papers must be filed, call a meeting of the Executive Committee of the Board of Management of the Temporalities Fund, and such meeting shall examine and verify the nomination papers received by the Secretary and the record of the same as made by him, and shall by resolution determine and elect the person entitled to fill said vacancy, selecting the person or persons nominated by the largest number of Beneficiaries, and such person or persons shall forthwith, and from the time of said resolution, become a member or members of said Board; always provided that, in the event of a tie occurring between two or more persons nominated, the said Executive Committee shall report the fact and all details connected therewith to the Board of Management, who shall determine by resolution which of said two or more persons shall be chosen and elected members of said Board.

VII.

At the first meeting of the Board of Management after the time for receiving nomination papers from the Beneficiaries shall have expired, the Secretary to the Board shall report the result of the nominations, and the same, together with the election or elections by the Board consequent thereon, shall form part of the minutes of the meeting.

VIII.

The Secretary to the Board of Management of the Temporalities Fund shall each year, and within twenty days after the meeting of the Board in May, transmit by post to each Beneficiary a statement of the financial affairs of the Board, a schedule of the investments, an account of the revenue and expenditure, and of the payments to Ministers during the then past year, together with a report of the proceedings of the Board for the year, similar to the statements and reports heretofore annually rendered by the Board, and, specially, making mention of any changes that may have occurred in the membership of the Board during the year preceding.

IX.

Messrs. James Mitchell and Alexander McPherson, both of the City of Montreal, are hereby appointed Auditors of the Books and Affairs of the Board for the management of the Temporalities Fund.

X.

In the event of a vacancy in the Auditorship occurring from any cause, the vacancy shall be filled in the same manner as a vacancy occurring in the Board of Management for the Temporalities Fund.

XI.

The Chairman of the Temporalities Board shall call a meeting of the Beneficiaries, when requested to do so by a requisition signed by not less than ten of their number—which meeting shall be held not less than thirty or more than forty days from the time of issuing notice of such meeting, and at such meeting and all other meetings of the Beneficiaries, fifteen shall constitute a quorum.



