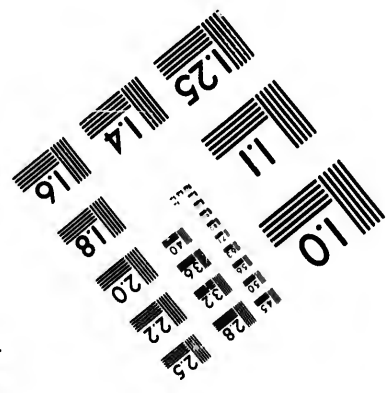
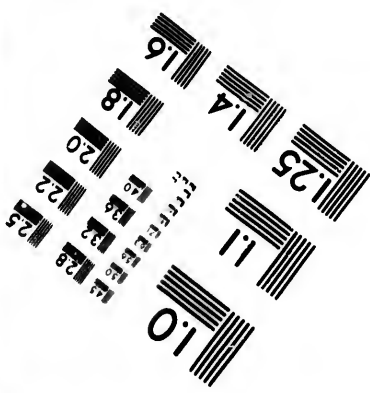
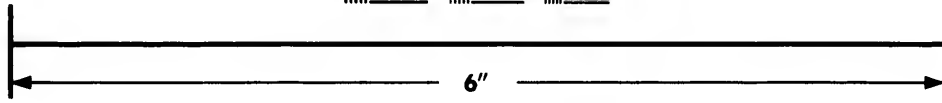
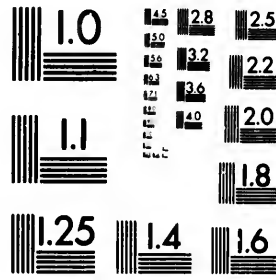


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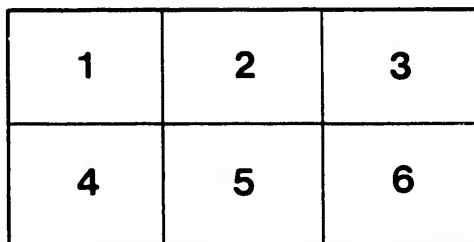
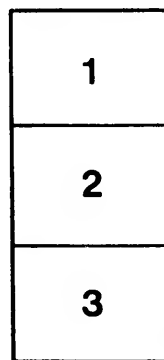
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A FEW



REMARK



ON

RELIGIOUS CORPORATIONS,

AND

AMERICAN EXAMPLES OF THEM.

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## REMARKS, &c.

As some extreme and absurd notions have, within the last few months, been put forth on the subject of religious corporations, and some honest and good people have been disturbed by them, I availed myself of the opportunity, when in New York a few weeks since, to ascertain what has been the practice of the American people on this subject. Kindly aided by that excellent man, and ill used but sincere and meritorious friend of Canada, M. S. BIDWELL, Esquire, I examined and caused to be transcribed a number of Statutes incorporating religious bodies, relating to various denominations, and extending over a period of nearly half a century. I do not refer here to Acts of Incorporation relating to places of worship and burying-grounds. I have before me a collection, (printed in New York last year) of "*The laws of the State of New York relating to Religious Incorporations, and all acts amending the same.*" These relate entirely to places of worship and burying-grounds; and among them I find acts or "titles" with the following designations, and ample provisions for holding property by the religious bodies denominated; namely, "Episcopal Church—how incorporated;" "Dutch Church—how incorporated;" "Methodists;" "Presbyterian Church," &c., &c. Here we have "religious corporations" for all Churches; but if the new cry, which has originated with certain newspaper-writers, who are known to be individually hostile to the principal denominations in Canada, should succeed, the very right to hold places of worship would be abolished—as one "plank" of their "platform" has been the "abolition of all religious corporations;" and the legal Trustees of every place of worship constitute a "religious corporation." It is true that by some this "plank" has been modified; and by others it has been thrown away, or set aside for the time being—being so repugnant to the Christian principles and tolerant spirit of the country at large. The objection of these anti "religious corporation" gentlemen is now directed, not so much against corporations for holding places of religious worship, as against the incorporation of religious denominations as such for missionary or educational purposes, or for the purposes of diffusing useful knowledge by means of books, tracts, &c. Then again, special ob-

jection has been made to incorporations of ecclesiastics for any purpose whatever, though the resources of such incorporations should entirely depend upon voluntary contributions, and be limited to clearly-defined purposes—even the single purpose of personal support in old age. The illiberality and intolerance of such a spirit exceeds anything that the proscriptive spirit of ecclesiastical domination in former years avowed or contemplated in this province.

It is in reference to denominational incorporations that I wish to exhibit the tolerant and enlightened spirit of our American neighbours, in contrast with the intolerant and proscriptive spirit of Canadian socialism. It is known that any religious denomination in the State of New York that is able to establish an academy or university college, can procure the desired charter for it without let or hindrance; and it is only within the last year or so that the New York Legislature granted some \$20,000 or \$30,000 in aid of a Baptist College at Hamilton, besides annual grants to various denominational colleges and academies—knowing, as the American people do, that such institutions are among the most powerful, and to the State the least expensive, agencies for completing the educational instrumentalities of a country, and promoting the sound education of an entire people. But the American people do not stop here. Instead of looking upon the religious denominations with jealousy, and their clergy with hatred, they know that religious denominations constitute the moral strength of the country—the cement of its institutions and the preservative of society against decay and dissolution—and that the Clergy are the voluntarily chosen and acknowledged teachers and missionaries of religion, and of learning to a great extent, and therefore merit respect rather than contempt recognition rather than proscription.

I will now present a few Acts of Religious Incorporation which have been passed from time to time by the Legislatures of Pennsylvania and New York, and which are now recognized, by means of agencies, in the other States. The first of the following Acts was passed by the Legislature of Pennsylvania in 1799. I adduce it because it is recognized in the State of New York and in other States; and is the Act by

means of which the General Assembly of the Presbyterian Church in the United States manages all its Foreign and Domestic Missionary and Educational Society affairs; as the precise objects to which funds raised under the auspices of the General Assembly are not defined, and as there is no restriction in respect to laws of *Mortmain*, or as to the amount of Funds arising from Collections and Contributions. The only limitation relates to Income from real estate—a resource on which it is known that religious bodies in the United States do not depend.

*AN ACT for Incorporating the Trustees of the Ministers and Elders, constituting the General Assembly of the Presbyterian Church in the United States of America.*

[Passed 28th, March 1799.]

Whereas the Ministers and Elders forming the General Assembly of the Presbyterian Church of the United States of America; consisting of citizens of the State of Pennsylvania and of others of the United States of America aforesaid, have by their petition represented, that by donations, bequests or otherwise, of charitably disposed persons, they are possessed of monies for benevolent and pious purposes, and the said Ministers and Elders have reason to expect farther contributions for similar uses, but from the scattered situation of the said Ministers and Elders, and other causes, the said Ministers and Elders find it extremely difficult to manage the said funds, in the way best calculated to answer the intention of the donors: Therefore:

Sec. I. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that John Rogers, Alexander McWhorter, Samuel Stanhope Smith, Ashbel Green, William M. Tenant, Patrick Allison, Nathan Irvin, Joseph Clark, Andrew Hunter, Jared Ingersoll, Robert Ralston, Jonathan B. Smith, Andrew Bayard, Elias Boudinot, John Nelson, Ebenezer Hazard, David Jackson and Robert Smith, Merchant, and their successors, duly elected and appointed in manner as is hereinafter directed, be, and they are hereby, made, declared and constituted a Corporation, and body politic and corporate, in law and in fact, to have continuance for ever, by the name, style and title of "Trustees of the General Assembly of the Presbyterian Church in the United States of America;" and by the name, style and title aforesaid shall for ever hereafter, be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said ministers and Elders of the General Assembly of the Presbyterian Church of the United States, or any other person or persons, to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said Corporation and their successors for ever, according to the original use and intent for which such devises, gifts and grants were respectively made; and the said Corporation, and their successors, are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises and other conveyances thereof is or are declared, limited and expressed; also, that the said Corporation, and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple,

or of lesser estate or estates, any lands, tenements, rents, annuities, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable and able to make the same; and further, that the said Ministers and Elders, under the corporate name aforesaid, and their successors, may take and receive any sum or sums of money, and any portion of goods and chattels, that have been given to the said Ministers and Elders, or that hereafter shall be given, sold, leased or bequeathed to the said Corporation, by any person or persons, bodies politic and corporate, that is able or capable to make a gift, sale, bequest, or other disposal of the same, such money, goods or chattels to be laid out and disposed of for the use and benefit of the aforesaid Corporation, agreeably to the intention of the donors, and according to the objects, articles and conditions of this Act.

Sec. II. And be it further enacted by the authority aforesaid, That no member of the said Corporation, and their successors shall defeat or annul any gift, grant, devise or bequest, to or from the said Corporation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or from the said Corporation.

Sec. III. And be it further enacted by the authority aforesaid, That the said Corporation, and their successors, shall have full power and authority to make, have and use, one common seal, with such devise and inscription as they shall think fit and proper, and the same to break, alter and renew, at their pleasure.

Sec. IV. And be it further enacted by the authority aforesaid, That the said Corporation, and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any Court, or before any Judge or Justice, in all and all manner of suits, complaints, pleas, matters and demands, of whatsoever nature, kind and form they may be; and all and every matter and thing to do, in as full and effectual a manner as any other person, bodies politic or corporate, within this commonwealth, may or can do.

Sec. V. And be it further enacted by the authority aforesaid, That the said Corporation, and their successors, shall be, and hereby are, authorized and empowered to make, ordain and establish by-laws and ordinances, and do everything incident and needful for the support and due government of the said Corporation, and managing the funds and revenues thereof; provided the said by-laws be not repugnant to the constitution and laws of the United States, to the Constitution and laws of the commonwealth, or to this Act.

Sec. VI. And be it further enacted by the authority aforesaid, That the said corporation shall not at any time consist of more than eighteen persons, whereof the said General Assembly may, at their discretion, as often as they shall hold their sessions in the State of Pennsylvania, change one third, in such manner as to the said General Assembly shall seem proper; and the Corporation aforesaid shall have power and authority to manage and dispose of all monies, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly in writing, under the hand of their clerk, it shall be the duty of the said Corporation to act according to such instructions, provided the said instructions shall not be repugnant to the constitution and laws of the United State, or to the constitution and laws of this commonwealth, or to the provisions and restrictions in this act contained.

Sec. VII. And be it further enacted by the authority aforesaid, That six members of this corporation, whereof the President, or in his absence the Vice



President to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations: provided, that previous to any meeting of the Board of Corporation for such purposes, not appointed by adjournment, ten days notice shall be previously given thereof, in at least one of the newspapers printed in the City of Philadelphia: And the said Corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a President and Vice President, and shall have authority to appoint a Treasurer and such other officers and servants, as shall by them, the said corporation, be deemed necessary: to which officers, the said Corporation may assign such a compensation for their services, and such duties to be performed by them to continue in office for such time, and to be succeeded by others in such way and manner, as the said Corporation shall direct.

**SECT. VIII.** And be it further enacted by the authority aforesaid, That all questions before the said Corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the President, or Vice President when acting as President, who shall have only the casting voice and vote, in case of an equality in the votes of the other members.

**SECT. IX.** And be it further enacted by the authority aforesaid, That the said Corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose: and their Treasurer shall, once in every year, exhibit to the General Assembly of the Presbyterian Church in the United States of America an exact state in the accounts of the Corporation.

**SECT. X.** And be it further enacted by the authority aforesaid, That the said Corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount, not exceeding Ten Thousand Dollars yearly value, but the said limitations not to be considered as including the annual collections and voluntary contributions made in the Churches, under the care of the said General Assembly.

The second Act which I will adduce was passed by the New York Legislature in 1819, for the incorporation of Trustees under the direction of the General Assembly of the Dutch Reformed Church.

*AN ACT to Incorporate the General Synod of the Reformed Protestant Dutch Church.*

[Passed April 7th, 1819.]

**I.** Be it enacted by the People of the State of New York, represented in Senate and Assembly.

That the General Synod of the Reformed Protestant Dutch Church, shall be and hereby is declared to be a body politic and corporate, by the name and style of "The General Synod of the Reformed Protestant Dutch Church;" with power to sue and be sued, defend and being defended, by that name, in all Courts of Law and Equity; and to have a Common Seal, and alter the same at pleasure; and also to take, purchase and hold real and personal Estate, and to sell and convey the same: Provided, The yearly value of such real and personal estate, shall not exceed the sum of Ten Thousand Dollars; and that the same shall not be appropriated to any other than religious and charitable uses and purposes.

**II.** And be it further enacted, That it shall be lawful for the regular members of the said General Synod, at their annual meetings, to appoint a President, three Directors, and a Treasurer, of the said Corporation; and to make and ordain by-laws and regulations relating to the management and disposition of their real and personal Estate, the duties of the said President, Directors and the Treasurer, and the duration of their respec-

tive offices; Provided always, That such by-laws and regulations shall not be inconsistent with the Constitution and laws of this State, or of the United States.

**III.** And be it further enacted, That it shall at all times be lawful for the Legislature to repeal or amend this Act.

In respect to the foregoing Acts, it will be observed, that their provisions recognize the constitutions of the Churches for which they were intended, and provide for the corporate management of their denominational affairs under the direction of their governing bodies, without any restriction as to the amount of income from annual contributions and collections.

I will now give other Acts of Religious Incorporation, in the chronological order of their enactment:

*AN ACT relative to the Methodist Book Concern in the City of New York.*

[Passed April, 21st, 1837.]

The people of the State of New York represented in Senate and Assembly, do enact as follows:—

**SECT. I.** It shall be lawful for Thomas Mason and George Lane, agents for the Methodist Book Concern, appointed by the General Conference of the Methodist Episcopal Church and their successors, as such agents, to take and hold real estate in trust, for the purposes of such agency and to devise and convey the same; but the value of such real estate, so taken and held by them, shall not exceed two hundred thousand dollars.

**SECT. II.** The real estate heretofore conveyed to Thomas Mason and George Lane, as agents as aforesaid, shall be considered as part of the real estate to be held by them, and their successors, as such agents, in trust as aforesaid.

On this brief but comprehensive Act, it is important to observe—

1. That the only restriction as to holding property is confined to real estate—authorizing the corporation to acquire any amount of funds, stock, &c., it might think proper. From a recent legal decision in New York between two branches of the Methodist Episcopal Church respecting this Book Concern, it appears that it is now valued (including real estate, funds and stock) at from \$750,000 to \$1,000,000.

2. But two individuals constitute this Religious Corporation, and they are appointed and removable by the Conference of the Methodist Church.

3. The only restriction as to the expenditure of the funds of this Religious Corporation is, that they shall be applied to "the purposes of such agency"—the purposes of such agency having been defined in the Book of Doctrines and Discipline of the Church, as is the case in regard to the purposes of the Wesleyan Book Room in Toronto.

It will be observed that here is no attempt, (such as was made a few months since in the Canadian Legislature,) to attack and alter the constitution of the Methodist Church through an Act of Parliament; no objection made because

the persons named in the Act of Incorporation were Clergymen, and appointed and removed by the Conference alone; no charge that the individuals named in the Act of Incorporation wished to get the Church property into their own hands; no cry against the Conference or particular members of it. The disregard of the principles of free government, and the illiberal and proscriptive spirit which actuated certain parties during the late Session of our Legislature in reference to the Wesleyan Act of Incorporation, has no counterpart in the principles and spirit of the American people, as attested by the above Act, as also by the following Act relating to the Missionary Society of the Methodist Episcopal Church in the United States:—

*AN ACT to incorporate the Missionary Society of the Methodist Episcopal Church.*

[Passed April 8, 1850.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:—

SECT. I. Robert R. Roberts, Joshua Soule, Elijah Hedding, James O. Andrew, Beverly Waugh, Thomas A. Morris, Daniel Ostrander, Nathan Bangs, Thomas Mason, George Lane, Francis Hall, Joseph Smith, Peter Badeau, D. M. Reese, M. D., George Innis, M. Houseworth, Philip Romaine, L. S. Burling, J. P. Arine, John Valentine, William Gale, Abraham Stagg, Erastus Hyde, Henry Moore, James Harper, Thomas Browne, Peter Macnamara, William B. Skidmore, Stephen Dando, J. B. Oakley, Henry Morrell, George Suckley, T. Barrett, M. D., C. Countant, J. L. Phelps, M. D., B. F. Howe, Israel D. Dissoaway, G. P. Dissoaway, Benjamin Distrow, Ralph Mead, Jotham S. Fountain, Samuel Martin and all persons who now are or hereafter may become associated with them, are hereby constituted a body corporate by the name of "The Missionary Society of the Methodist Episcopal Church," and by that name and style, be capable of purchasing, holding and conveying such real estate as the purposes of the Corporation shall require, but the annual income of the real estate to be held by them shall not exceed the sum of five thousand dollars.

SECT. II. The object of the said Corporation is to diffuse more generally the blessings of Education, Civilization and Christianity throughout the United States and elsewhere.

SECT. III. The management and disposition of the affairs and property of the said Corporation shall be vested in a Board of Managers, to be elected annually on the third Monday in April, in the city of New York.

SECT. IV. The persons named in the first action of this Act shall be the first Board of Managers of such Corporation and shall hold their offices until the next annual election, or until others shall be elected in their places.

SECT. V. The said Corporation shall possess the general powers, and be subject to the liabilities imposed in and by the third title of the Eighteenth Chapter of the first part of the Revised Statutes.

SECT. VI. The Legislature may at any time alter or repeal this Act.

SECT. VII. This Act shall take effect immediately.

Here again, it will be remarked that there is no restriction in the amount of funds arising from bequests, subscriptions, and collections; no prescription as to by whom the successors to the

persons named in the Act of Incorporation shall be appointed—leaving every thing of that kind wholly to the constitution of the Missionary Society concerned to determine. It will also be noted by those who know the persons whose names are mentioned in the above Act of Incorporation, that all the bishops and several clergy of the Methodist Church are associated with a corresponding number of laymen as the first members of the Corporation. The constitution of the Missionary Society of the Wesleyan Methodist Church in Canada expressly provides that one-half of the Board of Managers shall consist of laymen, and the other half of clergymen. The contrast is as striking as it is humiliating for Canada, between the spirit that manifested itself against the incorporation of the Wesleyan Missionary Society in Canada, a few months since, and that which incorporated the Missionary Society of the Methodist Episcopal Church in the United States.

The three acts which follow, relate to the American Bible, Tract, and Baptist Home Missionary Society:

*AN ACT to Incorporate the American Bible Society.*

[Passed, March 25th, 1811, by a two-third vote.] 377

The People of the State of New York, represented in Senate and Assembly, do enact as follows:—

SECT. I. All such persons as now are, or may hereafter become members of the American Bible Society, formed in the City of New York, in the year One thousand Eight hundred and Sixteen, shall be, and are hereby constituted a body corporate, by the name of "The American Bible Society," for the purpose of publishing and promoting a general circulation of the Holy Scriptures, without note or comment.

SECT. II. The net income of said Society, arising from their real estate, shall not exceed the sum of five thousand dollars annually.

SECT. III. This Corporation shall possess the general powers and be subject to the provisions contained in title third of chapter eighteenth of the first part of the revised statute, so far as the same are applicable, and have not been repealed.

SECT. IV. This Act shall take effect immediately.

SECT. V. The Legislature may at any time modify or repeal this Act.

*AN ACT to Incorporate the American Tract Society.*

[Passed, May 26, 1841, by a two-third vote.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECT. I. S. V. S. Wilder, Moses Allen, T. McAuley, John Knox, Charles G. Somers, James Milnor and William A. Hallock, and all such persons as now are, or may hereafter become members of the American Tract Society, formed in the City of New York in the year one thousand eight hundred and twenty-five, are constituted a body corporate, by the name of the American Tract Society, for the purpose of printing and circulating religious publications.

SECT. 2. The net income of said Society, arising from their real and personal estate, shall not exceed the sum of ten thousand dollars annually.

Sec. 3. This Corporation shall possess the general powers and be subject to the provisions contained in title third of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and have not been repealed.

Sec. 4. The Legislature may at any time alter or repeal this Act.

Sec. 5. This Act shall take effect immediately.

***AN ACT to Incorporate the American Baptist Home Mission Society.***

[Passed, April 12, 1943, by a two-third vote.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sec. 1. All such persons as now are, or may hereafter become members of the American Baptist Home Mission Society, formed in the City of New York, in the year one thousand eight hundred and thirty-two, shall be and hereby are constituted a body corporate, by the name of "The American Baptist Home Mission Society," for the purpose of promoting the preaching of the Gospel in North America.

Sec. 2. The net income of said Society arising from their real estate, shall not exceed the sum of ten thousand dollars annually.

Sec. 3. This Corporation shall possess the general powers, and be subject to the provisions contained in title third of chapter eighteenth of the first part of the Revised Statutes, so far as the same are applicable, and have not been repealed.

Sec. 4. This Act shall take effect immediately.

Sec. 5. The Legislature may at any time modify or repeal this Act.

It will have been observed, that in the last four of the preceding acts, reference is made to "title third of chapter eighteenth of the first part of the revised statutes." This "title" expressly exempts the annual subscriptions or collections to any of the societies named from being reckoned as real or personal estate.

I will add but one more Act, it being an Act of incorporation of Clergymen exclusively. An outcry was attempted to be raised a few months since, when it was proposed to incorporate Ministers of the Wesleyan Methodist Church in Canada,—not indeed to hold a farthing of real estate, or to receive bequests of any kind, but simply to invest money that they themselves might be able to lay aside in time of vigour and health, to aid themselves in old age and to aid their widows and orphans. In contrast with such a spirit, I present the following Act, passed for a similar object, by a two-third vote of the New-York State Legislature :

***AN ACT to Incorporate the Trustees of the New York Annual Conference of the Methodist Episcopal Church.***

[Passed, April 14, 1843, by a two-third vote.]

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

Secr. I. Nathan Bangs, Peter P. Sanford, Phineas Rice, Laban Clark, Robert Siney, Heman Bangs, Fitch Reed, John C. Green, and Benjamin Griffin, and their successors to be appointed as hereinafter provided for, shall be and hereby are constituted, a body corporate and politic, by the name of the "Trustees of the New York Annual Conference," and by that name shall have succession and be in law capable, except by

devise of real estate, of taking, purchasing, holding and conveying, both in law and equity, any estate, real and personal, provided however that the value of the real estate so held by them, shall not exceed the sum of Twenty Thousand Dollars, and that the clear yearly income of both the real and personal estate by the said Corporation held and possessed shall not exceed the sum of Ten Thousand Dollars.

Secr. II. There shall be nine Trustees of the said Corporation who shall be divided into three classes to be numbered one, two, and three; the said division to be made by the Trustees at the first meeting, the places of the first class or number one, shall become vacant in one year from the next meeting of the New York Annual Conference, the places of the second class or number two, in two years from the said meeting, the places of the third class or number three, in three years from the said meeting, vacancies in the said several classes shall be from time to time filled as hereinafter provided for; and the aforesaid Nathan Bangs, Peter P. Sanford, Phineas Rice, Laban Clark, Robert Siney, Heman Bangs, Fitch Reed, John C. Green, and Benjamin Griffin shall be the first Trustees of the said corporation.

Secr. III. The said Trustees shall take charge of all funds, personal and real estate, whatsoever, now belonging or which shall hereafter belong to the said New York Annual Conference, so far as the said Conference shall direct, and no farther, and the said Trustees shall appropriate said property and the avails of it for the benefit of the itinerant supernumerary and superannuated preachers, and the widows and orphans of deceased preachers in such manner as the said Conference has directed, and shall from time to time direct, and no other.

Secr. IV. All vacancies occasioned by death, resignation, expulsion or expiration of office of said Trustees, or either of them, according to the terms thereof, as above limited, shall be filled up by the New York Annual Conference, at their next session thereafter, who shall nominate and appoint the persons to fill such vacancies as aforesaid, of which nomination and appointment so made, a certificate shall be given, containing the name or names of the person or persons so nominated and appointed, which certificate shall be signed by the president, and countersigned by the Secretary of the said Conference, and registered in the book of the said Corporation, whereupon the said person or persons therein named shall become to all intents and purposes, a Trustee or Trustees of the said Corporation, provided always such person or persons so nominated and appointed shall have been at least five years preceding thereto an itinerant preacher in the Methodist Episcopal Church, according to the rules and discipline thereof, and at least twenty-five years of age, and provided also, that in all cases the Trustees in their respective classes shall continue in office until others shall be regularly appointed to succeed them.

Secr. V. The Trustees of said Corporation shall meet at least once, and oftener if need be, in every year, at such time and place as a majority of them shall deem most convenient, and at every such meeting the said Trustees shall provide, in the first place, to elect out of their own number, by a majority of votes, a President and a Secretary; and at every annual meeting which shall be held during the session of said Conference, they shall in the same manner elect a Treasurer, and if the office of Treasurer should become vacant during the intervals of the annual meetings, it may be filled at any regular meeting of said Trustees. The first meeting of the said Trustees shall be at or before the next session of the said Conference, at which meeting, and all subsequent meetings, the said Trustees, or a majority of them, shall have power to make such by-laws, rules, and regulations, for the government of the said Corporation, designate the number of Trustees who shall constitute a quorum for the transaction of business, for the management of their concerns and distribution of their funds, and for all and every purpose

relating to the designs of the said Corporation, and carrying the same into effect, pursuant to the intentions of the Act, as to the said Trustees, or of a majority of them, or of a quorum shall seem fit, provided always, the same be not inconsistent with the laws and constitution of this State or of the United States, nor shall the appropriation or application of the funds of the said corporation be contrary to the purposes contemplated by this Act.

SECR. VI. Whenever the said trustees or majority of them shall deem it for the interests of the said Corporation to sell, or otherwise dispose of any part of the real or personal estate of the said Corporation, or charge or encumber the same, it shall be their duty to make a representation thereof, in writing, to the said Conference, and if two-thirds of the members of the said Conference shall agree to the request in such representation, or to any part thereof, a certificate, signed by the President, and countersigned by the Secretary of the said Conference, expressing their agreement thereto, and specifying the nature and value in amount of the estate of said Corporation, to the sale or disposition or charging and encumbering whereof they agree, shall be transmitted to the said Trustees, and be by them recorded in the book of the said Corporation, and thereupon the said Trustees of the New York Annual Conference shall be, and they are hereby authorized, to make such sale, disposition, charge, or encumbrances thereof, as shall be agreed to by the said Conference as aforesaid, and to make and execute the proper Deeds, Mortgages, or other instruments in writing, to carry the same into effect, provided always that the proceeds, whether they be money or other property, shall be invested or settled and held, as the case may require, to and for the uses and purposes for which the above named Corporation is hereby created.

SECR. VII. The Legislature may at any time after amend or repeal this Act.

#### CONCLUDING REMARKS.

From the preceding references and acts of the New York State Legislature, every reader will perceive the groundlessness and intolerance of the opposition which has been got up by certain persons in Canada against religious corporations, and against those public men who have advocated the right of religious bodies to such corporations. Equally misguided and unreasonable are the proceedings of those persons who have objected to religious bodies applying for such acts of incorporation; or who, in the true Procrustean spirit, would have all religious bodies hewn down to the exact form and dimensions of one general act, instead of their having acts, after the above examples, adapted to their different constitutions and forms of church government. It may be very proper to have a general Interpretation Act for religious as well as civil Corporations; but that should not preclude the right, any more than it supersedes the necessity, of special acts of incorporation for religious objects of different kinds, and adapted to the peculiar politics of different religious bodies, any more than it should prohibit special acts of

incorporation to Literary Associations, Temperance Societies, and Mechanics' Institutes.

2. To oppose the legal incorporation of religious bodies for any purposes in harmony with their doctrines and the avowed objects of their existence, on account of objections to the polity of such bodies, or with the view of crippling their energies, is a mode of warfare and a species of persecution against such religious bodies at variance with the spirit of truthful fairness and the principles of civil and religious liberty. It is the weapon of Lilliputian littleness and conscious weakness; it is a reproduction under a new form, and from the opposite spirit of the ecclesiastical compass, of the very spirit which denied to English non-conformists religious freedom and corporate rights in the times of the STUARTS, and refused in former years to certain religious bodies in Canada the social right of marriage by their own clergy and the corporate right of holding ground for Christian worship and burial. This anti-religious corporation spirit is, therefore, alien to the spirit of constitutional liberty and social progress.

3. I will only further remark, that the religious denominations of a country who demand no state endowment for their clergy, but support them by their own contributions, are not deserving of jealousy and suspicion from any government or any party; are, of all voluntary associations, the most self-denying, the most efficient, and the most meritorious contributors to a country's Christian morals, religious happiness, and intellectual advancement—the basis of order, liberty, and prosperity. What a contrast between the works and merits of such religious communities and those of their supercilious, not to say vicious assailants! Such communities have followed the influx of emigration into the wilderness, have assuaged the sorrows of many a new settler with the instructions and consolations of religion—have sown the seeds of virtue and knowledge throughout the land—have erected many places of worship, and perhaps established seminaries of learning, while their assailants have, I will not say what—I will leave the reader to say it. But I will say, that such communities deserve not the hostility, but the respect, the confidence and the countenance of the Government and Legislature, and the gratitude and support of the country.

Toronto, December, 1851.

