

The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 57

An Act to Incorporate the Minister and Trustees of Saint Andrew's Church in the City of Quebec.

26th March, 1830. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

31st January, 1831. Assented to by His Majesty in His Council.

29th April, 1831. The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Whereas the ground upon which the Church for the public Worship and exercise of the Religion of the Church of Scotland, in the Upper Town of Quebec, commonly called Saint Andrew's Church and the School House in connexion therewith, have been erected, is held by Trustees under and by virtue of two certain grants thereof by Letters Patent, issued under the Great Seal of the Province, severally bearing date at the Castle of Saint Lewis, in the said City of Quebec, the thirtieth day of November, which was in the year of our Lord one thousand eight hundred and eight, and the thirtieth day of December, which was in the year of our Lord one thousand eight hundred and twenty-two: And whereas a certain lot of ground, situate, and being in the first concession of the fief and seigniory of L'Islet de Bonsecours in the county of Devon in the district of Quebec, used as a Protestant Burial Ground, is held by the said Trustees under Letters of Mortmain, issued under the Great Seal of the said Province, bearing date at the Castle of Saint Lewis aforesaid, the first day of June, which was in the aforesaid year of our Lord one thousand eight hundred and twenty-two: And whereas the said Trustees are not a Body Corporate, and have only a life estate in the grounds holden by them as aforesaid, which is transmissible to their successors, to be elected, pursuant to the provisions of the Letters Patent, first above in part recited; And whereas the election of successors to the said Trustees from time to time, on their death or removal or change of residence from the district of Quebec, under the provisions of the said Letters Patent, is subject to many difficulties and delays, and is attended with much expense. And whereas the Reverend James Harkness, Doctor in Divinity, Minister of the Congregation of the Church of Scotland, resident in the said City of Quebec, using the Church erected as aforesaid, and James Ross, John Neilson, and Andrew Paterson, Esquires, of the said city of Quebec, Trustees of the said Church, having by their humble Petition to the Legislature of this Province, represented the inconveniences resulting from the provisions of the said above in part recited several Letters Patent, under which the said grounds are held by them as aforesaid, and the want of a corporate capacity in them the said Trustees, to enforce by legal process the payment of the rents payable by holders of pews in the said Church, as well as to enable them to hold any other lands or real estate that might be

granted and conveyed for the use of the said Church, and prayed for an Act of Incorporation, in order to afford them relief in the premises: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority aforesaid, that the said James Harkness, James Ross, John Neilson, and Andrew Paterson and William Finlay, of the said city of Quebec, Esquire, the other of the said Trustees, and the successors for ever of the said James Harkness, James Ross, John Neilson, Andrew Paterson, and William Finlay, to be elected in the manner hereinafter directed, shall be, and they are hereby constituted and declared a Body Corporate and Politic, in name, and in deed by the name and stile of The Minister and Trustees of Saint Andrew's Church, shall be a perpetual Corporation, and shall have perpetual succession, and a Common Seal with power to break, change and alter the same from time to time at pleasure, and shall be in law capable of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto in all Courts of Judicature in all manner of actions, suits, complaints, matters and causes whatsoever, and also of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which it is hereby constituted as hereinafter declared, and may make, establish and put in execution, alter or repeal such Bye Laws, Rules, Ordinances and Regulations as shall not be contrary to the Constitution and Laws of this Province, or to the provisions of this Act, or the constitution of the Church of Scotland, and as may appear to the said Corporation necessary or expedient for the interests thereof: Provided always that three of the members of the said Corporation, shall form a quorum for all matters to be done or disposed of by the said Corporation.

II. And be it further enacted by the authority aforesaid, that the grounds aforesaid held by the said Trustees as aforesaid shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several Limitations, Trusts, Provisoos, and Uses declared and expressed in respect of the same respectively, in and by the said above in part recited several Letters Patent, granting the same as aforesaid, and in so far as is not hereby derogated to.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Corporation to accept any such real estate which may hereafter be gratuitously given, granted or bequeathed for the use of the said Church, as shall not, together with that already holden by the said Trustees, as aforesaid, exceed in value and yield at any time more than a clear net yearly income of eight hundred pounds sterling, and that the said Corporation shall and may sell, alienate and dispose of the said real estate so bequeathed from time to time as they shall see fit.

IV. And be it further enacted by the authority aforesaid, that when any vacancy or vacancies shall happen in the said Corporation, by death or the removal or change of residence of any of the members thereof from the district of Quebec, or otherwise, the said vacancies shall be supplied in the manner hereinafter mentioned as follows, that is to say; when a vacancy shall happen by the death or removal, or change of residence of the Minister of the said Church, from the said district, or otherwise, the same shall be supplied by his successor Minister of the said Church, who in the way and manner herein after provided shall be authorized and approved of as Minister of the congregation aforesaid, by the Governor, Lieutenant Governor or person administering the Government of this Province, by an instrument, under his hand and seal at arms; And when a vacancy or vacancies shall happen by the death or removal, or change of residence of the said James Ross, John Neilson, Andrew Paterson, or William Finlay, or of their successors from the said district, or otherwise, from time to time the same shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the pew holders in the said Church, not in arrear of pew rent, at a meeting to be convened as hereinafter mentioned.

V. And be it further enacted by the authority aforesaid, that whenever a vacancy shall happen by the death or removal or change of residence of the Minister of said Church, it shall be the duty of the Kirk Session within eight days from the time of every such vacancy happening to require by a notice or requisition, published at least twice in all the newspapers published in the city of Quebec, a meeting of the pew holders of said Church not in arrears of rent, to assemble in the said Church on a day not more than eight days after the day of such notification at a convenient hour, for the purpose of taking the steps necessary for supplying of such vacancy or vacancies as aforesaid, by electing a committee of seven (five to form a quorum,) of said pew holders not in arrear of pew rent, by a plurality of votes, who shall have full power to take such steps as to them may seem best adapted for speedily obtaining to be Minister of said Church a regularly ordained Minister of the Church of Scotland; and at which meeting the senior member of the session, if not prevented by illness or other cause shall preside, or if so prevented then the senior of the other members of session present shall preside thereat, and if at any such election there shall be an equality of votes the member of session so presiding shall have the casting vote.

VI. And be it further enacted by the authority aforesaid, that when any vacancy or vacancies shall happen in the said Corporation by death or the removal or change of residence of any of the members thereof from the district of Quebec, or otherwise, other than in respect of the Minister of the said Church for the time being, it shall be the duty of the said Minister, within six calendar months from the time of every such vacancy happening, to require by a notice or requisition from the pulpit of the said Church on two successive Sundays to be published at such time during the forenoon service as he shall see fit, a meeting of the said pew holders, not in arrear as aforesaid, to assemble in the said Church at a convenient hour on a day, not exceeding ten days after the day of such publication for the purpose of supplying such vacancy or vacancies as aforesaid, by a person or persons who are members of the said Church and who shall cease to be members of said

Corporation, if ever they cease to be members of said Church by joining in communion with any other Church or religious society, at which meeting the said Minister if not prevented by illness or other cause, shall preside, or if so prevented, then the senior of the other members of the said Corporation present shall preside thereat; and if at any such election there shall be an equality of votes, the Minister or other member so presiding shall have the casting vote: Provided that nothing herein contained shall extend or be construed to extend to prevent any member of the said Corporation being a pew holder and not in arrear of pew rent, from voting at such elections.

VII. And be it further enacted by the authority aforesaid, that on a requisition signed by twenty pew holders specifying the object they have in view, it shall be the duty of the said session to call a public meeting of the pew holders to be held; within ten days after the receipt of said requisition.

VIII. And be it further enacted by the authority aforesaid, that there shall be opened and kept by the said Corporation, a Register in which shall be entered and recorded, from time to time, the proceedings for supplying such vacancies as aforesaid, as well as other proceedings and transactions of the said Corporation; and which register shall be open to the inspection of every pew holder not in arrear of rent, at all seasonable times, and that on every election to supply such vacancies as aforesaid, the same shall be declared by an instrument to be forthwith made and executed under the hands of the member presiding thereat, and three of the members of the said meeting, which said instrument declaratory of such election, shall at the diligence of the person elected at such meeting, be caused to be enregistered in the office of the Prothonotary of the Court of King's Bench, of the said district of Quebec, within one calendar month from the day of such election, which enregistration the said Prothonotary is hereby required to make at the request of the bearer of such instrument; and for which enregistration and the certificate thereof, the said Prothonotary shall be entitled to demand and receive the sum of two shillings and sixpence currency, and no more; And in default of the enregistration of the said instrument within the time aforesaid, the said election shall be absolutely null and void, and the said Corporation shall proceed de novo to another election, and in the same manner as if no such election had taken place.

IX. And be it further enacted by the authority aforesaid, that all Deeds of Gift and conveyance of real estate which shall be made to the said Corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the office of the Prothonotary of the Court of King's Bench for the district, where such real estate shall be situate, which enregistration the said Prothonotary is hereby required to make at the request of the bearers of such Deeds respectively, and for every such enregistration the said Prothonotary shall be entitled to demand and receive at and after the rate of sixpence currency for every hundred words that the said Deeds shall respectively contain, together with two shillings and six pence currency for the certificate of such enregistration and no more; and in default of such enregistration as aforesaid, of any such Deed or Deeds as

aforesaid, within the time aforesaid, the same shall be absolutely null and void and of no more force or effect than if the same had not been made and executed.

X. And be it further enacted by the authority aforesaid, that nothing herein contained shall effect or be construed to affect in any manner or way the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

XI. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and Ministers of Justice, and other persons whomsoever, without being specially pleaded.