

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 55

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

31st March, 1831.—Presented for His Majesty's Assent and reserved "for the signification of His Majesty's pleasure thereon."

12th April, 1832.—Assented to by His Majesty in His Council.

5th June, 1832.—The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Whereas 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 John's Church and the ground on which the said Church is erected is held by Trustees under and by virtue of a certain deed or instrument in writing made and passed before Archbald Campbell and confrere Notaries Public in the said City of Quebec, on the twenty-ninth day of January one thousand eight hundred and thirty-one: 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 said deed or instrument, in writing, 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 deed or instrument in writing, is subject to many difficulties and delays, and is attended with much expense. And Reverend John Clugstone, Minister, of a Congregation of the Church of Scotland, resident in the said City of Quebec, using the Church erected as aforesaid, and William Miller, John Douglass, Richard May, Alexander Haddan and John Musson, of the said City of Quebec, Trustees of the said Church, having by their humble petition to the Legislature of this Province, represented the inconveniencies resulting from the provisions, of the said above in part recited deed or instrument, 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 w 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 John Clugstone, William Miller, John Douglas, Richard May, Alexander Haddan, and John Musson, and their successors for ever, 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 John'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 By-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 deed or instrument in writing, granting the same as aforesaid, and in so far as is not derogated to by this Act.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Corporation to accept any 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 annual 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 estate 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 shall have been presented to the said Church in the manner and form herein after provided and authorized and approved of as Minister of the congregation aforesaid; by the Governor, Lietutenant Governor or person administering

the Government of this Province for the time being, 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 John Clugstone, William Miller, John Douglass, Richard May, Alexander Pladdan and John Musson, and 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 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 the said Church, it shall be the duty of the Kirk Session within eight days from the time at which such vacancy shall happen, 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 arrear 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 such vacancy or vacancies as aforesaid, by electing a committee of seven (five of whom shall form a quorum,) of said pew holders not in arrear of pew rent, by a plurality of votes, which Committee shall have full-power to take such steps as to' them may seem fit and best adapted for speedily obtaining as 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 the 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.

V. 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 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 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 the 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 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 unregistered, 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 deeds shall respectively contain, together with two shillings and sixpence 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, withi 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 by all Judges, Justices of the Peace and Ministers of Justice., and other persons whomsoever, without being specially pleaded.