

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1832.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 18 Session 1

**An Act to repeal all the Laws now in force relating to Saint Andrews Church in the City of Saint John, and for incorporating certain Persons Pewholders of the said Church and of the several Churches erected or to be erected in this Province in Connexion with the Church of Scotland. Passed 9th March 1832.**

'Whereas according to the Forms and Usages of the Church of Scotland as by Law established, the spiritual and temporal Affairs of the said Church are kept separate and distinct: And Whereas the present Acts of Incorporation vesting the temporal Affairs of Saint Andrew's Church in the City of Saint John, in Connexion with the Church of Scotland, in the Minister and Elders of the said Church, is at variance with the Forms and Usages of the said Church of Scotland: And Whereas it appears to be the Desire of the Members of the said Church in Saint John, and of a large Majority of the Churches now established in this Province in Connexion with the said Church of Scotland, to be incorporated in strict Conformity with the Forms and Usages aforesaid, and to enable them to manage their, temporal Affairs in Accordance therewith;'

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Fifty sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Minister and Elders for the Time being of the Church in Communion with the Kirk of Scotland lately erected in the City of Saint John to hold the same to them and their Successors forever, and for other Purposes therein mentioned;* and an Act passed in the Fifty eighth Year of the same Reign, intituled *An Act to extend the Powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John,* be and the same are hereby repealed.

II. And be it further enacted, That the present Committee of Management in the said Church, consisting of Twelve Members, namely, Thomas Walker, Robert Rankin, John Wishart, John Robertson, James Kirk, Robert Keltie, James Burns, Henry Hood, William Parks, William Walker, James Robertson and Daniel Leavitt, elected on the Fifteenth Day of August last, together with the Elders of the said Church, namely, John Paul, Robert Robertson, Thomas Nisbet, William Hutchinson, Angus McKenzie, and John Gillies, be and they are hereby declared to be Trustees for the said Church until the Election and Appointment of Twelve other Trustees as herein after mentioned; and the above named Trustees and their Successors (the said Twelve Trustees to be chosen and appointed in Manner as herein after directed, and their Successors) forever shall be a Body Politic and Corporate in Deed and Name, and shall have Succession forever, by the Name of the Trustees of Saint Andrews Church in the City of Saint John, and by that Name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and Places whatsoever within this Province; and shall have full Power and Capacity to purchase, receive, take, hold and enjoy, for the Use and Benefit of the said Church, as well Goods and chattels as Lands, Tenements and Hereditaments, and improve and use the same for the Benefit of the said Church according to their best Discretion, the true Intent and Meaning of the Donors

when the same shall be given, devised or bequeathed in the Use and Benefit of the said Church; any Law, Usage or Custom to the Contrary notwithstanding: Provided always, that the Amount of annual Rents, Profits and Receipts of such Lands, Tenements, Goods, Chattels and Hereditaments, shall not exceed the Sum of Five hundred Pounds.

III. And be it farther enacted, That, the several Lots of Land forming a Block on which the said Church is built, situate in Queens Ward of the said City, and fronting on Germain Street, together with a Lot of Land situate in the Parish of Portland, whether the same are now legally vested in the present Corporation of the said Church by the Title of the Minister and Elders of the Church of Scotland in the City of Saint John, or are still standing out in the original Trustees to whom they were conveyed for the Use and Benefit of the said Church, according to their full Metes and Boundaries, together with the said Church thereon erected, shall be and remain fully and absolutely vested in the said Trustees of Saint Andrew's Church in the City of Saint John, and their Successors forever, as a good and absolute Estate in Fee Simple, for the Use, Trust and Benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any Law, Usage, or Custom, to the contrary thereof in any Wise notwithstanding; to all Purchasers, Tenants, or Occupiers if the Pews in the said Church, or to all Tenants or Occupiers of the said Lots of Land or any Part thereof, their present legal Rights therein and thereto.

IV. And be it further enacted; That the Owners or Proprietors of the Pews in the said Church shall, on the First Wednesday in June forever hereafter, yearly and every Year, assemble and meet together at the said Church, and then and there by a Plurality of Voices of the said Pewholders then present, between the Hours of Twelve and Two o'Clock in the Afternoon, elect and choose any Number not exceeding Twelve Persons, being Owners or Proprietors of Pews in the said Church, to be the Trustees for the Purposes aforesaid, who shall thereupon enter into the Execution of their Office, and continue in the same for One Year, and until other Persons shall be chosen in their Stead: Provided always, that the Ownership or Proprietorship of a Pew or Pews shall not entitle more than One Person to vote at any such Election.

V. And be it further enacted, That the said Trustees of Saint Andrew's Church so chosen and appointed, or the major Part of them assembled upon due Notice publicly given, shall have full Power and Authority to have, use and take all lawful Ways and Means as they in their Discretion shall think meet, by the Sale of the Pews of the said Church, or the letting of them to hire, or by the letting to hire of the said Lands, or of any other Lands which may come into their Possession (provided the same be for a Term, or Terms not exceeding Twenty one Years), and by the Improvement and Use as aforesaid of such Goods, Chattels, Lands, Tenements and Hereditaments as shall be hereafter given or purchased to or for the Use and Benefit of the said Church: Provided always, that the said Trustees shall not be empowered, to sell or dispose of the said Church, Lands, Tenements and Hereditaments absolutely.

VI. And be it further enacted, That in case of a Vacancy, or the Expiration of any Agreement made or to be made with any Minister for the said Church, the Call or Nomination of any Candidate or Candidates for the pastoral Charge of the said Church shall be in the Trustees and Elders, if such Candidate or Candidates shall be in British, America, and the Choice among such Candidate or

Candidates, or Choice or Rejection of such Candidate, shall lie in the Congregation, being Pewholders or Communicants, and including the said Elders and Trustees or a Majority of them, and if it shall be found necessary to call a Minister from any Part of Great Britain, the Arrangements for that Purpose shall be solely vested in the said Trustees and Elders of the said Church: Provided Always, that in either Case, the Minister to be called shall be a duly ordained or licensed Preacher, by a Presbytery in Connexion with the established Church of Scotland.

VII. And be it be it further enacted, That the Minister, Elders and Deacons, and other Officers of the said Church, shall be elected, chosen and appointed, and have, hold, exercise, and enjoy their respective Offices, according to the Usages of the said Church of Scotland, except so far as the same may be altered or abridged by this Act.

VIII. And be it further enacted, that the said Trustees of Saint Andrews Church, hereby incorporated, shall be held both in Law and at Equity bound for any Equity bound for any Engagement made by any former Trustees, or other Persons belonging to the said church, for the Minister's Stipend, and Expenses of his coming to this Country, and the same shall be paid by the said Corporation so as to relieve the said Trustees or other Persons of the Burthen of such Engagement; and if the Amount thereof shall happen to exceed the yearly Income of the said Church, the same shall be a Burthen on the said church and Corporation as such, and shall not make the said Trustees responsible in their individual and private Capacity.

IX. And be it further enacted, That the Trustees of the several and respective Churches already erected within this Province, and also of all Churches which may hereafter be erected in Connexion with the established Church of Scotland shall, when elected, chosen and appointed in Manner and Form as directed in and by this Act, the Bodies Politic and Corporate in Deed and Name, and shall have Succession forever, by the Name of the trustees of several and respective Churches to which they respectively belong; and this Act, and every Clause, Direction, Authority and Power in the same contained, shall extend and be in force for all Churches, in the same Manner as if the said Clauses, Directions and Authorities were particularly reenacted and applied to such Churches respectively (save and except only the Eight Section of this Act); and all Lands, Tenements and Hereditaments conveyed or to be conveyed to and for the Use and Benefit of the said Churches, shall be vested in the said several and respective Corporations, as fully and absolutely to all Intents and Purposes as the Lands and Church mentioned, in the Third Section of this Act are hereby vested in the said Trustees of Saint Andrew's Church in the City of Saint John.