

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 71

An Act to provide for the incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland. Passed 14th April 1847.

Whereas it appears to be the desire of the members of the Presbyterian Church in the City of Saint John, and of other Churches established in the said Province, having relation with Presbyterian bodies in Great Britain and Ireland, but not being in connexion with the Established Church of Scotland, to be incorporated, to enable them to manage the temporal affairs of the said Churches, and to provide for certain matters in reference to the call and qualification of the Ministers and otherwise;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the following persons, namely, Andrew Reed, James Dunn, Thomas Parks, John Hawks, and William E. Moore, together with the Elders of the said Church, namely, William Parks, Robert Ritchey, Robert Keady, and George Hutchinson, be and they are hereby declared to be Trustees for the said Church until the election and appointment of not more than nine other Trustees as hereinafter directed, and that the above named Trustees and their successors, (the said nine Trustees and their successors to be chosen and appointed in manner hereinafter mentioned,) for ever shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland; 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, and the true intent and meaning of the donors when the same shall be given, devised or bequeathed to the use and benefit of the said Church: 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, any law, custom or usage to the contrary notwithstanding.

II. And be it enacted, That the lot of Land on which the said Church is built, situate at the corner of Great George and Carmarthen Streets, in King's Ward, in the said City of Saint John, together with the lot adjoining, fronting on Great George Street, which lots of Land are at present vested in Trustees for the said Church, shall according to their full metes and boundaries, together with the said Church thereon erected, be and remain fully and absolutely vested in the said Trustees of the Saint John Presbyterian Church, in the City of Saint John, and their successors for ever, 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

in any wise notwithstanding, saving to all purchasers of Pews in the said Church their present legal right therein and thereto, and saving the legal or equitable right of all other persons.

III. And be it enacted, That on the first Wednesday in June in each year for ever hereafter, a meeting of the persons then being proprietors of Pews or male communicants, shall be holden in the said Church; at which meeting, between the hours of twelve of the clock at noon, and three of the clock in the afternoon, an election shall be made, to be determined by a majority of persons so being pewholders or male communicants, and entitled to vote, present at such meeting, of any number of persons not exceeding nine, nor less than five, being proprietors of Pews, to be the Trustees of the said Church, for the purposes aforesaid, who shall forthwith, on the completion of such election, enter upon the duties of their office, and continue in the same for one year, or until other fit persons shall be chosen in their stead; provided that no person shall have more than one vote, although he may be proprietor of more than one Pew, and that if a Pew or Pews be owned by more than one person jointly or in common, there shall be but one vote given in respect of the said Pew or Pews so owned jointly or in common; and provided also, that no person shall be eligible to be elected a Trustee unless he be at the time of being so elected, a proprietor or owner of a Pew, and a male communicant of the said Church.

IV. And be it enacted, That in case of any vacancy in the Ministry 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 Elders and Trustees if such candidate or candidates shall be in British America, and the choice or rejection of such candidate or candidates shall be in the congregation, being male communicants, and including the said Elders and Trustees, or a majority of them present in person, or by their agent or proxy for that purpose appointed in writing; and if it shall be found necessary to call a Minister from any part of Great Britain or Ireland, then the arrangements for that purpose shall be solely vested in the Elders and Trustees of the said Church: Provided always, that in either case, the Minister to be called shall be duly licenced by a Presbytery in Great Britain or Ireland, or British North America, who hold and subscribe the Westminster Standards and Second Book of Discipline, as at present recognized and adopted by the Established Church of Scotland, or the Code of Discipline at present used by the Presbyterian Church in Ireland; and provided also, that such Minister or Licentiate shall, when required so to do, furnish any Presbytery in this Province, within the bounds of his intended labours, with satisfactory certificates of his literary status and moral character before being allowed to connect himself with such Presbytery.

V. And be it 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 and customs of the Presbyterian Churches in Scotland and Ireland, except so far as the same may be altered or abridged by this Act.

VI. And be it enacted, That the said Trustees of the Saint John Presbyterian Church hereby incorporated, shall be held both at law and in equity bound for any engagement made by any former Trustees or other persons belonging to the said Church for the Minister's stipend, and such other expenses as may have been found necessary, 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 and Corporation, 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.

VII. And be it enacted, That the Trustees in the several and respective Churches already erected within this Province, and also of all Churches which may hereafter be erected in connexion with the Saint John Presbyterian Church in New Brunswick, shall, when elected, chosen and appointed in manner and form as directed in and by this Act, be bodies politic and corporate in deed and name, and shall have succession for ever, by the name of the Trustees of the 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 such Churches, in the same manner as if the said clauses, directions and authorities were particularly re-enacted and applied to such Churches respectively, and all lands, tenements and hereditaments conveyed or to be conveyed to and for the benefit of such 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 second section of this Act are hereby vested in the said Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, not in connexion with the Established Church of Scotland: Provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to or affect any Church, Lands or Tenements already vested in or belonging to any Corporation in connexion with the Established Church of Scotland.