

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 6

An Act for incorporating the Synod of the Church known as the Presbyterian Church of New Brunswick, and the several Congregations connected therewith. Passed 21st March 1859.

Section.

1. Synod incorporated; powers.
2. First meeting: quorum for business.
3. Trustees of Congregations in connexion with the Synod, incorporated: powers.
4. Annual meeting for election of Trustees.
5. Designation of the Churches and Trustees thereof; incorporation; property.

Section.

6. Conveyance of trust property.
7. Corporate liability for debts.
8. Exercise of corporate right: quorum for business.
9. Act 10 V. c. 71, s. 7, repealed; reservations.
10. Limitation of annual incomes.

Whereas several Congregations of Christians in New Brunswick, holding the Westminster Confession of Faith as their rule of doctrine, as the same was sanctioned by the General Assembly of the Church of Scotland in 1647, and on the terms and with the explanations of the Act of the said General Assembly ratifying the same—which said Congregations are not in connection with the Presbyterian Bodies in Great Britain and Ireland or elsewhere—have united together and organized themselves into a Church, under the designation of 'The Presbyterian Church of New Brunswick,' under the ecclesiastical control of a governing body composed of Ministers and Elders of the said Church, and known as the Synod of the Presbyterian Church of New Brunswick; and it is the desire of the said Church to obtain an Act of Incorporation to enable the said Synod to hold and manage lands and property for ecclesiastical and educational purposes, and also to enable the respective Congregations, in connection with the said Church, to hold lands for grave yards, the erection of churches, and other congregational purposes;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Reverend Angus M'Master, Andrew Donald, Lewis Jack, John Turnbull, William Millan, James Law, A. M., William Ferric, A. M., William Elder, Charles Gordon, C. J. Glass, A. M., James Bennett, James Baird, A. M., William Alves, A. M., A. Smith, H. M'Kay, William Bennett, Thomas George Johnston, James Gray, A. M., James Salmon, Thomas Nicholson, and Alexander Sterling, Ministers, and James Patterson, L. L. D., Adam M'Affee, Robert Woods, John Maine, James M'Kenzie, James Milligan, and J. G. Stevens, Elders, now constituting the Synod of the Church known as the Presbyterian Church of New Brunswick, their associates and successors, shall, by that name, be a body politic and corporate in deed and name, and have succession forever, by the name of the Synod of the Church known as 'The Presbyterian Church of New Brunswick,' with full power to sue and be sued, to purchase, receive, and hold grants of real and personal estate, and to improve the same, and to sell, assign, dispose, and receive the rents and

profits for the use of the Church and Synod, according to the intentions of the donors, and to have a common Seal, with power to break, alter, or renew the same at pleasure, and to make bye laws, and appoint officers for the management of any funds, institutions, and objects connected with the said Church, and to regulate the mode of constituting and the government of said Synod; and shall have all the other general powers and privileges not herein before mentioned and contained, made incident to a Corporation by any Act of Assembly of this Province: Provided always, that the amount of annual rent and profits, and receipts of land, shall not exceed the sum of five thousand pounds.

2. That the first meeting of said Synod shall be held in Saint John on the third Wednesday in June next, when the said Synod shall be deemed organized as a Corporation: Seven of its members shall form a quorum for the transaction of business; any less number may adjourn.

3. The Trustees of the several and respective Congregations so in connection with the Synod aforesaid, and their successors to be chosen and appointed in manner hereinafter mentioned, shall be for ever a body politic and corporate in deed and name, and shall have succession for ever, by the name of the said several respective Churches to be specially named as hereafter directed; 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 sole use and benefit of the respective Congregations worshipping in the said Churches, and adhering to the said Synod, as well goods and chattels, as lands, tenements, and hereditaments, and improve, sell, assign, and dispose thereof, and receive the rents and profits for the use of the said respective Churches and Congregations, and to sell and exchange the said lands and tenements, and hereditaments and Churches, as occasion may require, in their discretion, subject to the provisions hereinafter mentioned, for the use, benefit, and advantage of said respective Congregations, and to sell the Pews or such number of them as shall in their discretion be deemed needful and be considered best for the interest and benefit of the said Congregation to which said Trustees belong, and under such restrictions as to rent or otherwise, as shall by them be deemed advisable for the benefit of said Congregation, and to have a common Seal, with power to break, alter, or renew the same at pleasure: Provided always, that no sale, exchange, or agreement of lands, tenements, hereditaments, churches, or pews, shall be made without the previous consent and authority of the majority of the electors of Trustees of the Congregation whose interests are to be affected thereby; for which purpose the Trustees, or any three of them, shall cause public notice to be given of the intended act or acts, at least four successive weeks before such intended sale, exchange, or assignment; which public notice may be given from the pulpit on the regular days of worship, or posted up in some conspicuous place on the Church; which notice shall distinctly state the time and place of meeting for the consideration of such intended act or acts; and the assent of said electors, as aforesaid, shall be testified by the record of the names of the said electors, or the majority of the same present at such meeting, subscribed by such electors, or the majority of the same present as aforesaid, saving and preserving always all private right in any of the premises.

4. On the first Wednesday in July in each year for ever hereafter, a meeting of the male persons then being contributors to an amount of not less than ten shillings per annum to the stipend of the

Minister of the respective Congregations, which contribution may be by payment of pew rent, and duly enrolled in its Record Book of such names, and not in arrears, shall be holden in the said Churches respectively; at which meeting between the hours of noon and three of the clock in the afternoon, an election shall be made, to be determined by a majority of such male persons present so being notified as aforesaid and entitled to vote, of persons not exceeding seven, nor less than three, 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 and qualified persons shall be chosen in their stead; provided always, that no person shall be eligible to be elected a Trustee unless he be at the time of election a qualified voter and an adherent of said Church for which Trustees are to be elected.

5. When any Congregation in connection with the Synod aforesaid shall elect Trustees under the provisions of this Act, the Trustees as a Corporation shall be known and recognized by the name of the Trustees of such named Church owned by such Congregation ; and when no designation shall have been previously given to a Church, the electors at their meeting for the choice of Trustees, shall first by a majority of votes give a name to such Church; and in all cases the name by which the Church is known or may be designated as aforesaid, and by which the Corporation is recognized, shall be enrolled in a Congregational Book, in which the proceedings of the Congregation and of the Trustees shall all be recorded; and the said book, or an extract from the same, shall be evidence in all Courts of Law or other places within this Province that all proceedings therein contained were rightly had and done, and of the matters therein contained; and any Church or Churches which may be hereafter erected in said Province, or conveyed, or made over to any Congregation in connection with the said Synod, shall in like manner be named and enrolled, as aforesaid; and the Trustees of said respective Churches, when so named and enrolled as aforesaid, and also the Trustees of the Churches already named and properly enrolled as aforesaid, shall, when elected, chosen, and appointed in manner and form as in this Act directed, be bodies politic and corporate in deed and name as aforesaid respectively, and shall have succession for ever, by the name of the Trustees of the so named Church by which they are respectively elected; and all lands, tenements, and hereditaments owned by or which may be hereafter conveyed to and for the benefit of any of the said several Congregations, shall be and they are hereby declared to be vested fully and absolutely for the uses and purposes of such Congregations aforesaid, in their said several and respective Corporations ; provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to or affect any Church, or lands, or tenements, or other property, real or personal, conveyed to, or vested in, or belonging to or held for the use of any Corporation in connection with the Established Church of Scotland, or any other Church or Church Corporation.

6. The conveyance of any lands, tenements, or hereditaments, may be made as occasion may require by the Trustees or the majority of them in whom the title to any such lands, tenements, hereditaments, or buildings may be vested for the use and in trust for any Congregation so belonging or adhering to the Synod aforesaid, or by the person or persons in whom the legal title to the same may be vested, to the Trustees elected under this Act by their corporate name, their associates, and successors, who shall hold the same to and for the sole use and benefit of their respective Congregations as fully as by the original deed.

7. The Trustees respectively of the several and respective Churches incorporated or to be incorporated under this Act, when elected as aforesaid, shall be held in law and equity bound for any engagement made by any former Trustees (or other persons) belonging to said Churches respectively, for the Minister's stipend and such other expenses as may have been legally incurred, and the same to be paid by the said Corporation so as to relieve the said former Trustees (or other persons) of the burthen of such engagements; and if the amount thereof shall exceed the yearly income of the said respective 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.

8. Every Board of Trustees incorporated under this Act, shall exercise their rights, powers, and privileges in accordance with the form, discipline, and government of the Synod aforesaid, and according to the usage and rules of the said Synod, as by them may be prescribed, consistent with the terms of this Act, and not repugnant to law: Three Trustees shall form a quorum for the transaction of business.

9. The seventh section of an Act intituled *An Act to provide for the incorporation of certain Presbyterian Churches in the Province not in connection with the Established Church of Scotland*, passed in the tenth year of the Reign of Her present Majesty, is hereby repealed; provided always, that nothing in this Act contained shall extend or be construed to extend to interfere with the rights of any Congregation which may have come under the provisions of the said recited Act, but the same shall be and continue to be a body politic and corporate in all respects under the said recited Act, as if this Act had not passed, unless the said Congregation shall have come under the provisions of this Act, in which case the property, real and personal, of such Congregation, shall be vested in and pass to the Trustees elected under the authority of this Act by such Congregation so coming under the provisions of this Act, for the use and benefit of the same; provided also, that nothing in this Act shall extend to interfere with the vested rights or ownership, legal or equitable, of any person or persons in or to any pew or pews in any Church or Churches previously to the passing of this Act, but the right of such person or persons shall remain as before the passing of this Act.

10. The annual revenue of the lands, tenements, and hereditaments owned by any one of said Congregations shall not exceed the sum of one thousand pounds.