

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1849.*

12 Victoria – Chapter 14

**An Act to enable the Members of the Independent or Congregational Church to Recite certain Trusts, and for other purposes. (Passed 23d April, 1849.)**

Whereas in and by a certain Deed bearing date the Twenty-fifth day of June Anno Domini One Thousand Seven Hundred and Ninety, made between Andrew Barns of the one part, and Richard Miller, George Kemp, Thomas Crew, John Brown, James Bayley, John Kemp, William Budden, junior, Richard Ledgard, William Budden, Gilbert Tullock, John Jones, Nathan Parker, Wallis Lang, Henry Phillips, Edward Freeman, and Joseph Lowman, Trustees therein named, of the other part; certain Lands and Premises situate in the Town of Saint John's, in this Island, were conveyed and assured to the said Trustees, for the purpose of erecting thereon a Place of Public Worship for the Members and Congregation of the Independent or Congregational Church: And whereas in and by a certain other Deed bearing date the Fifteenth day of June, Anno Domini One Thousand Eight Hundred and Ten, certain other Land, Messuage and Premises with the Appurtenances, situate in Saint John's aforesaid, were conveyed, assigned, and assured, by Henry Andrews and Elizabeth Andrews, to one Nathan Parker, and one James Melledge, Trustees therein named, for the use and benefit of the Church aforesaid: And whereas a certain other Messuage and Premises, with the Appurtenances, situate in Saint John's aforesaid, were, by a certain Deed bearing date the Eighth day of June, Anno Domini One Thousand Seven Hundred and Ninety-one conveyed and assured by one Edward Freeman for the use and benefit of the said Church: And whereas by reason of the death of the several Trustees in the said several Deeds named and described, the provisions of the said several Trusts have become entirely inoperative, and the parties interested therein are without remedy either at Law or in Equity: And whereas Petition has been made to the Legislature in its present Session, by the Members and Congregation of the said Church, for remedy and redress in the premises: For remedy whereof, be it enacted, by the Governor, Council, and Assembly, in General Assembly convened, that it shall and may be lawful for the Members of the said Church, and being Communicants therein, at a Public Meeting of the said Members to be held for the purpose, which Meeting shall be called by the Minister of the said Church for the time being, at the request of at least Ten Members of the said Church, being Communicants as aforesaid, by the vote of a majority to consist of not less than Two-thirds of such Communicants present at such Meeting, to nominate and appoint Nine Persons as Trustees, for the purpose of carrying into effect the object, and intent, and the provisions, of the said hereinbefore recited Trusts, and the purposes of this Act.

II. And be it further enacted, that the said Trustees so nominated and appointed as aforesaid, or the Majority of them, by and with the consent and approbation of not less than Two-thirds of the said Members of the said Church, being Communicants therein, then resident in Saint John's aforesaid, and signified under their Hands and Seals, shall have, and are hereby declared to have, full power and authority to Sell and Dispose of all, or any part or parts, of the said Lands, Messuages and Premises, with the Appurtenances, recited and described in the said several Deeds of Trust herein-before referred to, or Mortgage the same, as may at any time be found requisite and necessary: Provided always, that all Monies arising from such Sale or Mortgage shall be applied solely and exclusively for the

purpose of obtaining, by purchase or otherwise, a suitable Piece of Land, or Premises, and erecting thereon a Church for the use and benefit of the said Congregation, and for no other use or purpose whatsoever.

III. And be it further enacted, that the said Trustees so nominated and appointed as aforesaid, or a Majority of them, by and with the consent and approbation of Two-thirds at least of the said Members of the said Church, and being Communicants therein, then present in Saint John's aforesaid, signified under their Hands and Seals, upon the receipt of any Monies arising from the Sale or Mortgage of the said Lands, Messuages, and Premises, in the said several recited Deeds, or any of them, or any part or portion thereof, shall have, and are hereby declared to have, full power and authority to make and execute good and sufficient Title in Law, as far as the same can be made under and by virtue of the said several recited Deeds, and the powers and provisions of this Act, to the said Lands, Messuages, and Premises, or any part or portion thereof, to any Purchaser or Purchasers, or any Mortgagee or Mortgagees.

IV. And be it further enacted, That when and so often as any Vacancy shall happen, by the Death, or Permanent Removal from the Colony, of any one or more of the said Trustees so nominated and appointed as aforesaid, that then, and in that case, it shall be lawful for the Members of the said Church, and being Communicants therein, at a Public Meeting of the said Members to be called and held for that purpose, to nominate and appoint some other Person or Persons, as the case may require, to fill up such Vacancy or Vacancies, which Meeting shall be called and held, and Appointments shall be made, in the way and manner prescribed by the First Section of this Act: Provided nevertheless that the Person or Persons so nominated and appointed to fill such Vacancy or Vacancies shall be Members of the said Church or Congregation, and not otherwise.