

*Laws of Her Majesty's Province of Newfoundland*, passed in the year 1853.

16 Victoria – Chapter 13

**An Act to regulate the Election of Trustees of Lands and Chattels for the Congregational Church in Saint John's. (Passed 15th June, 1853.)**

Whereas Petition has been made to the Legislature, in its present Session, by the Members of the Independent or Congregational Church in St. John's, to enable them to constitute Trustees for the purposes of holding and transmitting certain Lands and Chattels for the uses of the said Church: And whereas it is expedient and proper to comply with such reasonable petition.

Be it therefore enacted by the Governor, Council, and Assembly of Newfoundland, in Legislative Session convened, and by the authority of the same, that it shall be lawful for the Minister of the said Church, on Sunday the Twenty-sixth day of June next, to give, during the usual morning service, public notice to the male members of the said Church of a General Meeting of such members, to assemble at some convenient place then to be specified, and at a day not nearer than Ten Days from the time of giving such notice, at which Meeting so to be holden, Nine Persons shall be chosen and elected Trustees, who shall, with their Successors, as hereinafter provided, have succession and be in all time coming the Wardens of the said Church, by the style and title of "The Wardens of the St. John's Congregational Church;" Provided nevertheless, that Seven at least of the Nine Persons so to be elected and chosen in manner aforesaid shall be members of the said Church or Congregation, and shall be resident in the Town of St. John's. That as often as any vacancy shall occur in the said Wardens, by death, resignation or removal, or when the number of Wardens chosen and elected from the members of the said Church or Congregation shall, by reason of the absence of any one or more of them from St. John's for a period of Twelve Months, be reduced to less than Seven, it shall be lawful for the male members of the said Church to supply such vacancy, or fill up such number, in manner aforesaid, by election, at a General Meeting of the members of the said Church, which shall be summoned by the Minister for the time being of the said Church in the manner aforesaid, on requisition being made for that purpose in writing by any Seven Members of the said Church: Provided nevertheless that in the filling up all vacancies, from whatever cause such vacancies may arise, there shall not be less than Seven of the said Wardens chosen and elected from the Members of the said Church and Congregation, and resident in St. John's.

II. That the several Pieces of Land now belonging to the said Church, and more particularly described in the Schedule to this Act annexed, and also all Moveable Property now belonging to the said Church, and all other Property and Interest in Property, whether Landed or Moveable, which shall hereafter be acquired by, for, or on behalf of the same, by purchase, descent, or otherwise, shall vest in, and be holden by the said Wardens, for the use and benefit, and subject to the control, order and direction of the said Members of the said Church, in manner hereinafter described: Provided always that nothing herein contained shall affect the rights of any parties claiming title, as against the said Wardens or the said Congregation.

III. That the said Wardens, or a majority of them, shall have full power to Let by Lease all or any part or parts of the said Lands and Chattels so vested, or to be vested, in them, (save and except that Piece of Land and Premises on which the Stone Chapel of the said Church now stands) for such Term of Years, and for such Rent, and on such conditions, as such Wardens may deem desirable, for the use and benefit of the said Church.

IV. That it shall be lawful for the Members of the said Church assembled at a General Meeting to be convened by the Minister in manner and form aforesaid, for good and sufficient cause, to remove any of the said Wardens: Provided that notice of the object for which such Meeting shall be convened shall be distinctly given at the time of convening it, and provided that at least Two Thirds of the Members of the said Congregational Church, then resident in St. John's, shall assent to the removal of such Warden or Wardens.

V. That the Minister for the time being of such Congregational Church shall, as soon as convenient, and not later than Seven Days after every election of Wardens, lodge in the Office of the Registrar of Deeds of the Central District, a full and correct list of the names of the Wardens of the said Church, and of the names of all new Wardens; and the list of names of Wardens so registered in such Office, shall be held conclusive evidence of the fact of their being such Wardens.

#### SCHEDULE

Of Property belonging to the Congregational Church, in Saint John's, Newfoundland.

All that piece or parcel of Land and Premises situate on the Southern side of the "Queen's Road," in the Town of St. John's, abutted and bounded as follows, that is to say:—On the Northward by the said "Queen's Road"—on the Eastward by a Public Lane known as the Meeting House Lane—on the Southward by Property belonging to Nicholas Gill, Esquire—and on the Westward by a Public Lane: the said above described Piece of Land having been heretofore and for a period of more than Thirty Years used by the said Congregational Church as their Burying Place.

All that Piece or Parcel of Land and Premises situate in the Town of Saint John's, and lying on the Western side of a Public Road or Lane known as the Meeting House Lane, abutted and bounded as follows, that is to say On the Northward by Property belonging to Nicholas Gill, Esquire—on the Southward by Property belonging to William and John Freeman, and on the Westward by Property belonging to the Directors of the Bank of British North America.

All that Piece of Land and Premises situate on the Southern side of the Forest Road, and abutted and bounded as follows, that is to say On the Northward by the said Road—on the Eastward by Property belonging to Livingston's Estate, and on the Southward and Eastward by Land belonging to Bulley's Estate.

All that Piece or Parcel of Land and Premises situate, lying and being between the Roads leading from it. John's to Parsons' and Upper Long Pond, abutted and bounded as follows:—that is to say—On the North by the meeting of the said Roads—on the South by the Rivulet running from Duggin's Gully towards Quidi Vidi Pond—on the East by the aforesaid Road to Parsons' Pond, and on the West by the

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Road aforesaid to Upper Long Pond—the said above described Piece of Land being held under lease from the Crown.