CAP. CCXVIII.

An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground.

[Assented to 10th June, 1857.]

Preamble.

4 G. 4. c. 31.

HEREAS under and by virtue of an Act passed by the Parliament of Upper Canada, in the fourth year of the reign of His Majesty King George the Fourth, intituled, An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground, sufficient for the erection of a Church and Burying ground, Jesse Ketchum, by deed dated the nineteenth day of April, in the year one thousand eight hundred and twenty-seven, conveyed, or purported to convey, the land therein described, to certain persons therein named as Trustees of the said congregation and their successors; And whereas the said Trustees had obtained a grant from the Crown of half an acre of Land on Duchess Street, in the City of Toronto, by Patent dated the Fifteenth day of April, one thousand eight hundred and twenty-five; And whereas the said Trustees took possession of the said land under the said deeds; And whereas in the year one thousand eight hundred and forty-four, another Presbyterian congregation of Toronto joined the said Presbyterian congregation with its Minister, so as thenceforth and still to form one Presbyterian congregation, under the name of the Congregation of Knox's Church, Toronto, and as such congregation erected a church and made other improvements on the said land; And whereas doubts having arisen as to the validity of the said deed of eighteen hundred and twenty-seven, the said Jesse Ketchum, by Indenture, dated the twenty-fifth day of April, in the year one thousand eight hundred and fifty-six, conveyed and confirmed the said land therein mentioned to certain persons therein named, being Trustees of the congregation of Knox's Church aforesaid, and their successors; And whereas the mode of electing such Trustees, referred to in the said recited Act, is indefinite and has led to difficulties; And whereas the congregation of Knox's Church aforesaid have petitioned the Legislature to amend the said recited Act, and it is just to comply with the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Mode in which the Trustees of Knox's Church shall hereafter be elected.

I. From and after the passing of this Act, the mode of choosing Trustees in the said recited Act mentioned, shall be and the same is hereby repealed; and in lieu thereof, the Trustees of the congregation of Knox's Church aforesaid, to the number of five, and being such members and seat-holders as hereinafter mentioned, shall, at all times hereafter, be chosen by the members whose names shall appear on the Session-roll of the congregation

congregation of Knox's Church aforesaid, and who shall be seat-holders in the said Church, or by a majority of such members present at any meeting when such Trustees or Trustee shall be elected, -each such member to be entitled to give only one vote for each Trustee to be chosen at such election: Pro- Proviso: at vided always, that such election shall take place at the Annual what meet-Meeting of the congregation of Knox's Church aforesaid, or at shall be had. any Special Meeting thereof, called, by at least eight days' notice, read from the pulpit or precentor's desk of the said Church, immediately after Divine Service in the forenoon, and specifying the object or objects of such meeting.

II. The said land shall henceforth be held by the present How the Trus-Trustees of the congregation of Knox's Church aforesaid, and tees shall hold the land; certheir successors to be elected in manner hereinbefore enacted, tain Acts to for the benefit of the congregation of Knox's Church aforesaid, apply. upon the trusts in the said deeds mentioned, and subject to the provisions of the several statutes of the Parliament of Canada hereinafter mentioned, so far as such provisions are consistent with this Act, that is to say: an Act intituled, An Act to amend 12 V. c. 91. certain Acts for the Relief of Religious Societies, passed in the twelfth year of Her Majesty's reign, chapter ninety-one; also, an Act, intituled, An Act to authorize the Trustees holding Land upon 13,14 V.c. 78. which Churches are erected in Upper Canada, to mortgage the same to pay off the debts due by such Churches, passed in the thirteenth and fourteenth years of Her Majesty's reign, chapter seventy-eight; also, an Act, intituled, An Act to authorize the 18 V. c. 119. Sale or Lease of Lands in Upper Canada, held in trust for the use of Congregations or Religious Bodies, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and nineteen.

III. The said Trustees shall retire from office annually on Annual electhe day of the Annual General Meeting of the congregation of tion of Trus-Knox's Church aforesaid, but shall be eligible for re-election tees. in manner aforesaid; and in case of delay or failure to hold Failure provisuch Annual General Meeting, or to elect or re-elect such ded against. Trustee or Trustees as aforesaid, then the Trustees last elected as aforesaid, or the survivors or survivor of them, shall continue to be the Trustees or Trustee under this Act until their or his successor or successors shall be duly elected in manner aforesaid; and in case of any lapse of time intervening by reason And so of any of the death of such Trustees or Trustee as aforesaid, or any defect of Trustees other cause that may occasion a defect or failure of such tees. Trustees or Trustee as aforesaid, then the legal estate in the said land shall vest in, and the rights and duties of such Trustees as aforesaid shall accrue to the first Trustee or Trustees duly elected in manner aforesaid, and shall be deemed to have so accrued at the time of the death of the last surviving Trustee.

IV. This Act shall be deemed a Public Act.

Public Act.