

Laws of Her Majesty's Province of United Canada, passed in the year 1852. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 259

An Act to enable the Trustees of St. Andrew's Church, Quebec, to alienate or hypothecate certain property, for the purpose of raising funds to build a more convenient Church, Manse and School. Assented to 14th June, 1853.

Whereas the Minister and Trustees of St. Andrew's Church, in the City of Quebec, have by their petition to the Legislature represented, that having in view the erection of a new and more commodious Church, Manse and School, they are desirous of being empowered to borrow for that purpose a sum not exceeding Seven Thousand Pounds, and to hypothecate the property held by them in trust, as security for the re-payment of the sum so borrowed, or to dispose of the said property and purchase another and more convenient site for the said Church and buildings, and it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Corporation, of The Minister and Trustees of St. Andrew's Church, constituted by the Act of the Parliament of the late Province of Lower Canada, passed in the Session held in the tenth and eleventh years of the Reign of King George the Fourth, and intituled, *An Act to incorporate the Minister and Trustees of St. Andrew's Church in the City of Quebec*, shall have full power and authority to borrow, in this Province or elsewhere, such sum or sums, not exceeding in the whole the sum of Seven Thousand Pounds currency, as they may find necessary for defraying the expense of building a new and more commodious Church, Manse and School, or any of them, for the use and better accommodation of the Congregation of the said St Andrew's Church, and also to pay off all existing claims against the said Trustees in respect of the said property now held by them, and to mortgage or hypothecate the property held by them under the said Act, or any part thereof, with the buildings upon the same and all the appurtenances thereof, for securing the payment of the principal and interest of the sum or sums to be so borrowed as aforesaid; and the said Corporation shall also have full power and authority, if they shall deem it more for the interest of the said Congregation, to sell, dispose of, alienate and convey to any purchaser or purchasers all or any part of the property aforesaid, for such price, and upon such terms and conditions as they shall think most for the advantage of the said Congregation, and to receive the purchase money therefor, and validly to acquit and discharge the purchaser or purchasers as well for the said purchase money, as from all trusts, limitations, uses and provisoes whatsoever affecting the said property, or any part thereof; any thing in the said Act, or in the Letters Patent or Letters of Mortmain in the Preamble of the said Act mentioned, or in any other Letters Patent, Act, Deed or Instrument to the contrary notwithstanding; Provided always, that it shall not be lawful for the said Corporation to alienate the said property or any part thereof, unless and until such alienation shall have been approved and assented to by a majority of the Pewholders of the said St.

Andrew's Church, not in arrear of rent, present at a meeting of such Pewholders to be called and held and the proceedings whereof shall be registered in the manner provided with regard to similar meetings by the Act last above cited, and an instrument declaring the decision of the majority of the Pewholders voting at such meeting shall be drawn up and signed by the person presiding at such meeting, and by three of the Pewholders present thereat, and shall be enregistered in the office of the Prothonotary of the Superior Court at Quebec, and a copy thereof certified by the said Prothonotary shall be deemed authentic, and shall be legal evidence of such instrument and of the facts therein stated.

II. And be it enacted, That the said Corporation shall have full power and authority to apply the moneys to be borrowed under the authority of this Act, or arising from the sale of the property hereinbefore mentioned, or of any part thereof, or such part of the said money as they may find necessary to pay off all existing claims against the said Trustees in respect of the said property now held by them, and to defray the expense of building a new and more convenient Church, Manse and School, or any of them, either on the property now held by the said Corporation, or on any property to be acquired by them under this Act, or of altering, repairing, enlarging or improving the present Church, Manse or School, or any of them, and to purchase, acquire, take and hold any lot or lots of ground within the Upper Town of the City of Quebec, which they shall deem to be a more convenient site or sites for the said Church, Manse or School or any of them than the present site or sites thereof, and to pay the price of such lot or lots so to be acquired out of the moneys aforesaid: and for the purposes aforesaid, the said Corporation shall have full power and authority to enter into, execute and enforce all such agreements and contracts, deeds and instruments as may be requisite or expedient to the exercise of all or any of the powers hereby given them, and also to pay out of the pew rents and other income of the said St. Andrew's Church not otherwise specially appropriated, all or any of the sums of money to be by them payable under this Act; and the said Corporation shall have all such further powers, if any, as may be necessary to the full exercise of the powers expressly vested in them by this Act or the full attainment of the purposes thereof: Provided always, that any lands and real property which shall be acquired by the said Corporation under the authority of this Act, shall be holden by the said Corporation to and for the same limitations, trusts, provisoes and uses, to and for which the lands and real property now vested in them are holden, except in so far only as it is otherwise expressly provided by this Act, and excepting always any hypothecs, rights or privileges reserved in favor of the Vendors thereof or other parties, by the deeds or instruments conveying such property to the said Corporation, or by law belonging to such Vendors or other parties at the time of the execution of such deeds or instrument, or by reason thereof.

III. And be it enacted, That this Act shall be a Public Act.