

Memoranda relative to Church Property in Upper Canada.

The Acts regulating the holding of real property by Religious Societies of Presbyterians and other denominations, are the following, viz.: 9 Geo. IV., cap. 2, amended by 3 Vic., cap. 73, and the 12 Vic., cap. 91, of which the first Act authorizes the acquiring lands for the site of a church, meeting house, or chapel, or burying ground, while the second doing away with this limitation as to the purposes for which the land is to be held, empowers the several Religious Societies named in the previous Act, to hold lands, "for the support of public worship and the propagation of Christian knowledge." The 8th Vic., cap. 15, is intended to extend to other denominations of Christians, the benefits of these Acts. The 18 Vic., cap. 119 regulates the sale and lease of such lands, and provides a remedy for any misconduct of Trustees.

In order to the acquisition of real property, under these Acts, the following directions may be useful:

1st. Let a Meeting of the Congregation be assembled.

2nd. At such Meeting, let Trustees be appointed to hold the lands to be acquired, and at such Meeting let the name by which the Trustees are to be known be adopted.

DEED

The holding of the Meeting, the appointment of the Trustees, and the name by which the Trustees are to be known, should be specified in the Deed.

The purpose for which the lands are to be held, and the nature of the Trust should also be specified in the Deed.

The Deed must specify the mode in which the Trust is to be perpetuated.

Registration of the Deed must be made within 12 months from its date, but in view of the provisions of the Registry Acts, Registration forthwith is recommended as a precautionary measure.

MEMORIAL.

It is suggested, that the Memorial should be a transcript of the Deed, and should be under the hands and seals of the grantors, because in this way the Trust is open to all, and because if the Deed is lost the Memorial will be evidence of its contents.

As a general rule, the proceedings to acquire lands and their sale, should be conducted under legal advice.