

ST. ANDREW'S CHURCH.

THE ACTS OF THE PARLIAMENT OF CANADA

INCORPORATING

"The Ministers and Trustees of St. Andrew's
Church, Montreal,"

TOGETHER WITH THE

BY-LAWS OF THE CHURCH.

Montreal:

J. C. BECKET, PRINTER, 38 GREAT ST. JAMES STREET.

1858.

L
F1028
1858M1

W
H
E
R
E
A
S

VIC

An Act
AND
CH

WHEREAS
real, u
ship and exerc
in the City of
Church, is ere
Rea, and Will
tion worshipping
in their favor o
hundred and fi
and held by th
(Hunter,) accor
July, one thous
aforesaid Nota
Church and the
pose whatsoever
Deed of Sale a
gregation of th
May, one thous
Meeting of th
Pulpit for the p
said property a
surviving Trus
Mathieson, Mir
Ham Ritchie, D
declare that the
John Smith, W
Fleming, along
successors for e
Church, and s
whereas the sai
ording to the



ANNO DUODECIMO

VICTORIÆ REGINÆ.

CAP. CLIV.

An Act to incorporate THE MINISTER
AND TRUSTEES OF ST. ANDREW'S
CHURCH, MONTREAL.

[30th May, 1849.]

WHEREAS the ground in St. Peter Street, Mont- Preamble.

real, upon which the Church for the Public Worship and exercise of the religion of the Church of Scotland, in the City of Montreal, commonly called St. Andrew's Church, is erected, was purchased by the late Alexander Rea, and William Hunter, as Trustees for the Congregation worshipping in the said Church, under a Deed executed in their favor on the third day of May, one thousand eight hundred and five, before Guy and Barron, Notaries Public, and held by them (the said Alexander Rea, and William Hunter,) according to their declaration of date fourteenth of July, one thousand eight hundred and six, made before the aforesaid Notaries, for the benefit and behoof of the said Church and the Congregation thereof, and for no other purpose whatsoever, and is particularly described in the aforesaid Deed of Sale and declaration: And whereas the said Congregation of the said Church, did, on the twelfth day of May, one thousand eight hundred and thirty-five, in a General Meeting of the Congregation duly summoned from the Pulpit for the purpose of electing Trustees for holding the said property along with the said William Hunter, the then surviving Trustee, did duly elect the Reverend Alexander Mathieson, Minister of the said Church, John Smith, William Ritchie, Donald Mackay, and James Fleming, and did declare that the aforesaid Reverend Alexander Mathieson, John Smith, William Ritchie, Donald Mackay and James Fleming, along with the aforesaid William Hunter, and their successors for ever, shall be constituted Trustees of the said Church, and shall have a perpetual succession: And whereas the said Congregation of the said Church did, according to the provisions of the Constitution of the said

A certain Deed of Sale dated 3rd May, 1805, &c., cited.

General meeting of 12th May, 1835, and election of Trustees.

Further election.

Church, on the fifteenth day of June, one thousand eight hundred and forty, elect William Stewart Hunter to be a Trustee of the said Church in the room and stead of William Hunter deceased: And whereas the said William Stewart Hunter and the said Donald Mackay have, since their said appointment, departed this life, and the said William Ritchie having removed from the Province, and the said James Fleming having left the City of Montreal, John Boston, William Edmonstone, John Frothingham and James Gilmour were, according to the provisions of the Constitution of the said Church, duly appointed Trustees for the purposes aforesaid, in the room and stead of the said William Stewart Hunter, Donald Mackay, William Ritchie and James Fleming, and are now, together with the said Reverend Alexander Mathieson and John Smith, Trustees of the said Church; And whereas the said Reverend Alexander Mathieson, John Smith, John Boston, William Edmonstone, John Frothingham and James Gilmour, as such Trustees as aforesaid, by Deed passed before I. J. Gibb and colleague, Notaries Public, bearing date at Montreal aforesaid, the fourth day of December, one thousand eight hundred and forty-seven, acquired by purchase from Mr. Edwin Atwater, of the said City of Montreal, merchant, "Those certain two Lots of Land, situate, lying and being in the said City of Montreal, forming part of the 'Beaver Hall Property,' known and distinguished on the plan of the said Beaver Hall Property, as Lots numbers one and three, bounded in front by Lagauchetiere Street, in rear by a new Street marked 'A' on the said plan, on one side by Beaver Hall Terrace, and on the other side by property belonging to the heirs Lamothe; the boundary line on Beaver Hall Terrace consists of a curved line whose *radius* is about seventy-six feet four inches; the range line of the Streets, Beaver Hall Terrace and Lagauchetiere, when carried out to their points of intersection, give on Beaver Hall Terrace one hundred and sixty-three feet six inches, on Lagauchetiere Street one hundred and fifteen feet eight inches, on the line adjoining the property of the heirs Lamothe one hundred and eighty-three feet three inches, and on the new Street aforesaid one hundred and fifteen feet four inches, the whole English measure, without warranty of precise measurement, together with a house thereon," as described in the said Deed, for the use and behoof of the said Congregation of the said Church, and on which there is now being built a Church suitable for the increased numbers of the said Congregation: And whereas the said Trustees are not a body corporate, and have only a life estate in the said lots of ground and buildings thereon erected, holden by them as aforesaid, which is transmissible to their successors, to be elected according to the provisions of the Laws and Consti-

Deed of the 4th
December, 1847.

Description of
certain lots of
land conveyed
by the said Deed.

Want of corpo-
rate powers, &c.
recited.

tution of the
successors to
death, removal
faculties and d
And whereas
Divinity, Min
Montreal, Jo
John Fróthing
City of Mont
humble Petit
sulting from t
said Trustees
rents payable
and that it h
Church in St.
building for th
Be it therefo
Majesty, by a
lative Council
vince of Cana
under the auth
the United Ki
titled: *An A
Lower Cana
it is hereby en
said Reveren
Boston, Willia
Gilmour, and
Alexander M
Edmonstone, J
elected in the
are hereby cor
and Politic in
"The Minist
Montreal," ar
have perpetual
to break, chan
pleasure, and s
pleading or be
answering or b
ture, in all ma
causes whatso
tracted with, r
and the busine
stituted as her
and put in exe
Ordinances an
constitution an
of this Act, or
as in that part*

thousand eight hundred and eighty-two, and thereafter to be a
 and of Wil-
 id William
 have, since
 said Wil-
 ce, and the
 Montreal, John
 and James
 e Constitu-
 es for the
 e said Wil-
 am Ritchie
 h the said
 1, Trustees
 rend Alex-
 William Ed-
 ur, as such
 . Gibb and
 Montreal afore-
 eight hun-
 Mr. Edwin
 t, "Those
 eing in the
 eaver Hall
 of the said
 and three,
 r by a new
 by Beaver
 belonging
 eaver Hall
 s is about
 e Streets,
 carried out
 ll Terrace
 Lagauches-
 hes, on the
 e hundred
 ew Street
 the whole
 urement,
 n the said
 egation of
 g built a
 said Con-
 ot a body
 id lots of
 y them as
 rs, to be
 id Consti-

tutation of the said Church; And whereas the election of
 successors to the said Trustees from time to time on their
 death, removal or necessary absence, is subject to many dif-
 ficulties and delays, and is attended with much expense:
 And whereas the Reverend Alexander Mathieson, Doctor in
 Divinity, Minister of the said Church of St. Andrew's in
 Montreal, John Smith, John Boston, William Edmonstone,
 John Frothingham and James Gilmour, Esquires, of the said
 City of Montreal, Trustees of the said Church, by their
 humble Petition have represented the inconvenience re-
 sulting from the want of a corporate capacity in them the
 said Trustees to enforce by legal process the payment of the
 rents payable by the holders of Pews in the said Church,
 and that it has now become necessary to sell the present
 Church in St. Peter Street aforesaid, and provide a larger
 building for the accommodation of the said Congregation:
 Be it therefore enacted by the Queen's Most Excellent
 Majesty, by and with the advice and consent of the Legis-
 lative Council, and of the Legislative Assembly of the Pro-
 vince 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 in-
 titled: *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
 said Reverend Alexander Mathieson, John Smith, John
 Boston, William Edmonstone, John Frothingham and James
 Gilmour, and the successors for ever of the said Reverend
 Alexander Mathieson, John Smith, John Boston, William
 Edmonstone, John Frothingham, and James Gilmour, to be
 elected in the manner hereinafter directed, shall be and they
 are hereby constituted and declared to be a Body Corporate
 and Politic in name and in deed, by the name and style of
 "*The Minister and Trustees of St. Andrew's Church,
 Montreal*," and shall be a perpetual Corporation, and shall
 have perpetual succession, and a Common Seal, with power
 to break, change and alter the same from time to time at
 pleasure, and shall be in law capable of suing and being sued,
 pleading or being impleaded, defending or being defended,
 answering or being answered unto, in all Courts of Judica-
 ture, in all manner of actions, suits, complaints, matters and
 causes whatsoever, and also of contracting and being con-
 tracted with, relative to the funds of the said Corporation,
 and the business and purposes for which it is hereby now con-
 stituted as hereinafter declared; and may make, establish
 and put in execution, alter or repeal such By-laws, Rules,
 Ordinances and Regulations, as shall not be contrary to the
 constitution and laws of this Province, or to the provisions
 of this Act, or to the constitution of the Church of Scotland,
 as in that part of the United Kingdom of Great Britain and

Petition to the
Legislature.

Trustees and
their successors
incorporated.

Corporate name
and powers.

By-laws.

Proviso: as to
Quorum.

Lots of ground,
&c., vested in
Corporation.

Corporation
may accept
and hold real
estate to a cer-
tain amount:
may sell certain
land.

Proviso.

Other land may
be alienated on
certain condi-
tions.

Proviso.

Ireland called Scotland now by law established, and as maytime as the
appear to the said Corporation necessary or expedient for amount to at l
the interests thereof; Provided always, that three of the his Province.
members of the said Corporation shall form a *quorum* for IV. And b
all matters to be done and disposed of by the said Cor- for the said C
poration. empowered to

II. And be it enacted, That the several lots of ground of land or eith
aforesaid, together with the buildings thereon erected, held by part of the Be
the Trustees aforesaid, shall be holden by the said Corpora- ed, or the Ch
tion to stand and be possessed thereof for ever to and for the to be erected
several limitations, trusts, provisions and uses declared and as may be dee
expressed in respect of the same in and by the above re- of the said Ch
ferred to deeds of sale and declaration by the said Alexander like consent sl
Rea and William Hunter, as also by the terms under which the purposes :
the said Trustees are elected. ing clause pro

III. And be it enacted, That it shall and may be lawful V. And be
for the said Corporation to accept any real estate which cies shall happ
hereafter may be gratuitously given, granted or bequeathed moval or chan
for the use of the said Church, as shall not, together with from the Paris
that already holden by the said Trustees as aforesaid, ex- shall be supplie
ceed in value, and yield at any time more than a clear net lows, to wit :
yearly income of five hundred pounds; and that the said moval or chan
Corporation be and are hereby authorized and empowered Alexander Ma
to sell the lot of land and buildings thereon, situated in St. said Church, i
Peter Street aforesaid, and the price or purchase money the same shall
thereof to apply to the completion and paying for the lot of said Church ;
land and the Church now building as aforesaid on the said by the death o
lot of land situated on Beaver Hall, and in the preamble Reverend Ale
hereof lastly above described; Provided, nevertheless, that William Edm
the purchaser shall not be liable for or bound to see to mour, or of th
the application of the consideration money or any part there- wise from time
of, and that the receipt for the same shall be a full discharge person or pers
to him; and further that the said Corporation shall be majority of th
empowered to sell or alienate the whole or any portion of ing, to wit, of
the property held in trust by them, but they shall not be rent, at a mee
empowered to alienate or sell the property or any part there- VI. And be
of, except on a requisition signed by three-fourths of the happen by the
proprietors of pews in St. Andrew's Church aforesaid of the Minister o
at least one year's standing, not in arrear of rent, and at the Kirk Session,
time residing within the Parish of Montreal; and no sale or vacancy happ
alienation shall be valid, unless sanctioned by three-fourths of be published a
the proprietors, qualified as aforesaid; the proceeds of any of the propriet
sale or alienation, so made and sanctioned, shall be the pro- Church, not in
perty of the Church and Congregation, and solely applicable on a day not m
to the maintenance of the public worship, of God according fication, at a c
to the form of the Established Church of Scotland, or the steps necessary
erection and endowment of a school or schools in connection electing a Con
with the said Church; Provided always, that no portion of to form a *quor*
real estate belonging to the said Congregation, shall be dis- least one year'
posed of for the purpose of secular education, until such said Church, a

, and as maytime as the net annual income of the said Church shall expedient for amount to at least three hundred pounds, current money of three of the his Province.

quorum for IV. And be it enacted, That it shall and may be lawful for the said Corporation, and they are hereby authorized and empowered to raise by way of mortgage on the said two lots of ground of land or either of them, or any portion thereof known as held by part of the Beaver Hall Property, and hereinbefore described, or the Church and Building thereon erected or hereafter to be erected and built thereon, such sum or sums of money declared and as may be deemed necessary for the erection and completion of the said Church and its appurtenances, provided that the like consent shall be first had and obtained to mortgage for the purposes aforesaid as is hereinbefore in the next preceding clause provided for the sale of the trust property.

Corporation may raise money by mortgage, &c.

may be lawful V. And be it enacted, That when any vacancy or vacancies shall happen in the said Corporation by death, or the removal or change of residence of any of the members thereof from the Parish of Montreal, or otherwise, the said vacancies shall be supplied in the manner hereinafter mentioned, as follows, to wit: when a vacancy shall happen by the death, removal or change of residence, or otherwise, of the said Rev. Alexander Mathieson or his successor in the ministry of the said Church, from the said Parish, District or otherwise, the same shall be supplied by his successor, Minister of the said Church; and when a vacancy or vacancies shall happen by the death or removal, or change of residence of the said Reverend Alexander Mathieson, John Smith, John Boston, William Edmonstone, John Frothingham, and James Gilmour, or of their successors from the said Parish, or otherwise from time to time, the same shall be supplied by such person or persons as shall be elected to fill the same, by a majority of the votes of the proprietors of one year's standing, to wit, of pews in the said Church, not in arrear of pew rent, at a meeting to be convened as hereinafter mentioned.

Provision with respect to the filling of certain vacancies in Corporation.

VI. And be it enacted, That whenever a vacancy shall happen by the death, or removal, or change of residence of the Minister of the said Church, it shall be the duty of the Kirk Session, within eight days from the time of every such vacancy happening, to require by a notice or requisition to be published as the said Session shall determine, a meeting of the proprietors, pew holders and members of the said Church, not in arrear of rent, to assemble in the said Church, on a day not more than eight days after the day of such notification, at a convenient hour, for the purpose of taking the steps necessary for supplying such vacancy as aforesaid, by electing a Committee of nine, by a plurality of votes (seven to form a *quorum*), of whom six shall be proprietors of at least one year's standing, and in full communion with the said Church, and the remaining three may be pew holders

Proceedings for filling a vacancy in the office of minister of the Church.

and that on
 who have paid rent for three years preceding their election aforesaid, the
 and are in full communion with the said Church, who shall forthwith make
 have full power to take such steps as to them may seem best, whether presiding
 adapted for speedily obtaining a Minister to the said Church meeting: which
 a regularly ordained Minister or Licentiate of the Church shall, at the di
 of Scotland, or of the Presbyterian Church of Canada in connection with the Church of Scotland; and at which meeting
 the senior member of the Session, if not prevented by illness or other cause, shall preside, or if so prevented, then the
 senior of the other members of the Session present shall hereby require
 preside thereat; and if at any such election there shall be said instrumen
 an equality of votes, the Member of the Session so presiding shall have the casting vote.

Proceedings for
 filling vacancies
 among other
 members.

VII. And be it enacted, That when any vacancy or
 vacancies shall happen in the said Corporation by death, or
 the removal or change of residence of any of the members
 thereof from the Parish of Montreal, or otherwise, other
 than in respect of the Minister of the said Church for the
 time being, it shall be the duty of the said Minister, within
 three calendar months from the time of every such vacancy
 happening, to require by a notice or requisition from the
 pulpit of the said Church, on two successive Sundays, to be
 published at such time in the forenoon service as he shall
 see fit, a meeting of the proprietors (not in arrear of rent)
 to assemble in the said Church at a convenient hour on a
 day not exceeding ten days after the day of such publication,
 for the purpose of supplying such vacancy or vacancies as
 aforesaid, by a person or persons who are proprietors in
 communion with the said Church, and who shall cease to be
 members of the said Corporation, if ever they cease to be
 members of the said Church by joining in communion with
 any other church or religious society; at which meeting the
 said Minister, if not prevented by illness or other cause,
 shall preside, or, if so prevented, then the senior of the other
 members of the said Corporation present, shall preside thereat,
 and if at any such election there shall be an equality of
 votes, the Minister or other member so presiding, shall have
 the casting vote.

Public Meeting
 of Pew-holders
 how to be called,

VIII. And be it enacted, That on a requisition signed by
 twenty proprietors, or pew holders, specifying the object
 they have in view, it shall be the duty of the said Session
 to call a Public Meeting of proprietors or pew holders, to
 be held in the Church, within ten days after the receipt of
 the said requisition.

A Register to be
 kept for record-
 ing proceedings,
 &c.

IX. And be it enacted, That there shall be opened and
 kept by the said Corporation a Register in which shall be
 entered and recorded, from time to time, the proceedings
 and transactions of the said Corporation, and which Register
 shall be open to the inspection of every proprietor or
 pew holder not in arrear of rent, at all reasonable times;

and that on
 aforesaid, the
 forthwith make
 her presiding
 meeting: which
 shall, at the di
 be caused to l
 tary of the C
 Montreal, wit
 election, whic
 hereby requir
 said instrumen
 tificate thereo
 demand and r
 currency, and
 of the said in
 election shall
 corporation shall
 the same man

X. And be
 ance of real e
 ration, shall be
 after the exec
 Prothonotary
 trict, and also
 such real esta
 said Prothono
 of the bearers
 enregistration
 mand and re
 every hundred
 contain, toget
 for the certific
 in default of
 deed or deeds
 same shall be
 or effect than

XI. And b
 shall affect or
 the rights of I
 any person or
 such only exc
 XII. And
 a Public Act,
 by all Judges,
 tice and other
 pleaded.

and that on every election to supply such vacancies as aforesaid, the same shall be declared by an instrument to be forthwith made and executed under the hands of the member presiding thereat, and three of the members of the said meeting: which said instrument declaratory of such election shall, at the diligence of the person elected at such meeting, be caused to be enregistered in the Office of the Prothonotary of the Court of Queen's Bench for the District of Montreal, within one calendar month from the day of such election, which enregistration the said Prothonotary is hereby required to make at the request of the bearer of the said instrument; and for which enregistration and the certificate thereof, the said Prothonotary shall be entitled to demand and receive the sum of two shillings and sixpence, currency, and no more; And in default of the enregistration of the said instrument within the time aforesaid, the said election shall be absolutely null and void, and the said Corporation shall proceed *de novo* to another election, and in the same manner as if no such election had taken place.

X. And be it enacted, That all deeds of gift and conveyance of real estate, which shall be made to the said Corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the office of the Prothonotary of the Court of Queen's Bench for the District, and also in the Registry Office of the District where such real estate shall be situate; which enregistration the said Prothonotary is hereby required to make at the request of the bearers of such deeds respectively, and for every such enregistration the said Prothonotary shall be entitled to demand and receive at the rate of six pence, currency, for every hundred words that the said deeds shall respectively contain, together with two shillings and six pence, currency, for the certificate of such enregistration, and no more; and in default of such enregistration as aforesaid, of any such deed or deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made or executed.

XI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and Ministers of Justice and other persons whomsoever, without being specially pleaded.

Registration of certain Instruments.

Consequences of default to enregister.

Deeds of gift, &c., to Corporation to be enregistered within 12 months after execution.

Her Majesty's Rights saved.

Public Act.

CAP. CXCI.

[ASSENTED TO 27TH MAY, 1857.]

AN ACT to amend the ACT INCORPORATING THE MINISTER AND TRUSTEES OF ST. ANDREW'S CHURCH, MONTREAL.

Preamble.
12th V. c. 154.

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, and intitled "An Act to incorporate the Ministers and Trustees of St. Andrew's Church, Montreal," and among other things to provide for the annual election of Trustees of the said Church, for which amendments the Minister and proprietors of the said Church have petitioned; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

All the Trustees to retire on Christmas day next.

I. On the twenty-fifth day of December next, after the passing of this Act, all the Trustees of the property of the said St. Andrew's Church, save the Minister or Clergyman for the time being of the said Church, shall go out of office and shall cease to be Trustees for any purpose whatsoever connected with the property or affairs of the said Church but shall not, from the fact of having previously been Trustees, be disqualified from re-election, in the manner herein-after mentioned, nor shall any Trustee who may be hereafter elected, from the fact of having been such Trustee, be disqualified from re-election, after his term of office shall have expired.

To be re-eligible

Annual meeting to be held on Christmas day.

II. An annual general meeting of proprietors of pews in the said Church shall be held on the twenty-fifth day of the month of December in each year, save when it falls on a Sunday, in which case it shall be held on the Monday following, in the building now used by them for Divine Worship, in the city of Montreal, known as the St. Andrew's Church, at the hour of eleven, unless any other special time or place should be at any time appointed by the Trustees for that purpose, in which case such annual general meeting shall be held at such time and place as may from time to time be so appointed for that purpose; and such annual general meeting shall be presided over in the manner directed by the seventh section of the Act above cited; and besides the powers of election hereinafter specified, such meeting shall and may exercise all the powers that proprietors could heretofore exercise, at any meeting held pursuant to the above cited Act, and shall be competent for the transaction of business generally.

Proceedings at such meeting.

Powers of Meeting.

III. Notwithstanding, the number of Trustees, shall remain for the time being a Trustee, whereof of all kinds of Clergyman which shall be Act.
IV. Of the general annual meeting two shall be chosen at the time of beginning with the smallest number had the largest number as to the first elected, among themselves proprietors at the said six Trustees out of office, they go out of office election; and by Trustees elect respective times ment need be any such election made at the 1 entry thereof election takes effectual to all contained in th any other Act
V. Should meeting, or sh annual general such vacancies meeting, or by ant to the prov cited; and i as hereinbefore out of office b be to all inten shall have been
VI. This A

III. Notwithstanding anything in the aforesaid Act contained, the number of Trustees for holding the property of the said Church and for the powers held by the present Trustees, shall be seven, including the minister or clergyman for the time being, who shall always be *ex-officio* a Trustee, whereof four shall be a quorum for the transaction of all kinds of business, of which Trustees, the six exclusive of the Clergyman shall be elected at the first annual meeting which shall take place, next after the passing of this Act.

Number of Trustees to be seven, including the Minister.

Quorum.

IV. Of the six Trustees who shall be elected, at the first general annual meeting next after the passing of this Act, two shall be out of office in succession each following year, at the time of the holding of the annual general meeting, beginning with those of the six Trustees who shall have the smallest number of votes, and ending with the two who have had the largest number; and in case of any difference arising as to the rotation in which the said six Trustees, so to be first elected, shall go out of office, it shall be determined among themselves by vote, or in default thereof by the proprietors at the next annual general meeting; and after all the said six Trustees so to be first elected shall have gone out of office, those who shall be subsequently elected shall go out of office in rotation according to their seniority of election; and Trustees going out of office shall be replaced by Trustees elected at the meeting taking place at the respective times they shall so go out of office, and no instrument need be hereafter made or executed declaratory of any such election, nor need any enregistration thereof be made at the Prothonotary's office or elsewhere, save an entry thereof in the minutes of the meeting at which the election takes place, and such election shall be valid and effectual to all intents and purposes notwithstanding anything contained in the ninth section of the above cited Act, or in any other Act or Law.

Order in which the Trustees shall retire from office; two every year.

What minute only need be made of the election of Trustees.

V. Should there be any failure to hold any such annual meeting, or should any vacancy occur previous to any of the annual general meetings, then Trustees may be elected, or such vacancies filled up, either at the next annual general meeting, or by a meeting of proprietors to be called pursuant to the provisions of the seventh section of the Act above cited; and in case of any failure to elect Trustees as hereinbefore directed, those who should have gone out of office but for such failure, shall remain in office, and be to all intents and purposes Trustees until their successors shall have been elected.

Filling vacancies among Trustees, &c.

VI. This Act shall be deemed a public Act.

Public Act.

7.]
CORPORATION
ES OF ST
CAL.
e Act passe
eign, and in
s and Trus
and among
of Trustee
Minister and
Therefore
nsent of the
a, enacts a
kt, after the
property of the
r Clergyman
out of office
e whatsoever
said Church
been Trus
nner herein
ay be here
Trustee, be
office shall
s of pews in
h day of the
lls on a Sun
y following
rship, in the
Church, at
al time or
Trustees for
ral meeting
om time to
such annual
manner di-
cited; and
cified, such
hat proprie-
ld pursuant
or the trans-

BY-LAWS.

At a Meeting of the Trustees of the Scotch Presbyterian Church, Montreal (commonly called Saint Andrew's Church,) held on Tuesday, the thirty-first day of December, one thousand eight hundred and fifty, the Trustees being all present and by adjournment on the 11th day of March one thousand eight hundred and fifty-one, the following By-laws were, in terms of the Act of Incorporation, 12 Vict. Cap. 154, proposed and adopted.

ARTICLE I.

This Church and Congregation now in connection with the Established Church of Scotland, and adhering to the standards thereof, declare that they shall continue to adhere to the said standards, and maintain the form of worship and government of said Church.

ARTICLE II.

The Trustees shall call a general meeting of the congregation annually, to be held on the twenty-fifth day of December—or should that day fall on a Sabbath, then on the following day,—notice of which must be given from the precentor's desk on the two preceding Sabbaths; at which meeting the Trustees shall lay before the congregation a statement of all accounts and financial matters connected with the church and congregation. Two Auditors shall be appointed by those present,—say of proprietors of at least one year's standing and not in arrear of rent, and pew-holders who have paid rent for the two years preceding,—one of which auditors must be a proprietor, and the other may be a pew-holder, both qualified as above, to whom the accounts shall be submitted for examination. And provided, that upon the report of the Auditors, or on other grounds, it may appear that the funds of the Church, or any portion thereof, shall have been misapplied, the proprietors or ten of them, may call a general meeting of the congregation to consider the same; and if any defalcation be found, they shall be empowered to take such steps as they may see proper to secure the interests of the congregation.

ARTICLE III.

At the general annual meeting of the congregation, the members present, qualified as above, shall elect a Treasurer who shall receive and pay all moneys, by order of the Trustees only; he shall prepare

statement of his
meeting. He
funds in his hand

In the appointment
ors in right of
an arrear of p
of not less
they have be
of pew rent, s
hood; that th
or more perso
one vote, they
and in case of
they shall have
nent shall not
shall it influenc
shall be called
shall be entitle
Incorporation.

The committee
rudently and
servant of Chr
or of the Pre
Established C
requirements,
congregation;
sent the perso
the name of th
And having re
sentation, shall
that the Prese
said church, ac
Church of Sco

The Minister
the church, an
in advance.

The rents c
cept the week
the minister's
money borrow
to the defrayin
the church, ot
collections.

control of the Tru

statement of his intrusions, to be laid before the general annual meeting. He shall also furnish the Trustees with a statement of the funds in his hands whenever they shall require it.

ARTICLE IV.

In the appointment of a committee to select a Minister, all proprietors in right of property, possessed for not less than one year, and not in arrear of pew rent, shall be entitled to vote; also all members of not less than three years standing, one at least of which they have been a member in full communion, and not in arrear of pew rent, shall be entitled to vote,—it being, however, understood, that there shall be only one vote for each pew: when two or more persons so qualified, shall occupy a pew, they shall have but one vote, they agreeing amongst themselves who shall give that vote; and in case of misunderstanding, amongst such members, on this point, they shall have no vote,—it being hereby provided that such disagreement shall not be construed to be any privation of their right, nor shall it influence or retard any business on which a general meeting shall be called; provided always that no proprietor or pew-holder shall be entitled to more than one vote. See Section VI, the Act of Incorporation.

ARTICLE V.

The committee for selecting a minister being duly chosen, shall prudently and conscientiously seek out and select a pious and faithful servant of Christ, a licentiate of the Established Church of Scotland, or of the Presbyterian Church of Canada, in connection with the Established Church of Scotland, whom, by his character, gifts and acquirements, they may consider best fitted to edify and instruct the congregation; and, having made their selection, they shall duly present the person, on whom their choice has fallen, with an invitation, in the name of the church and congregation, to become their Minister. And having received his acceptance, the same, together with the presentation, shall be laid before the Presbytery of the Bounds, in order that the Presentee may be invested with full powers as a Minister of said church, according to the laws and practice of the Established Church of Scotland.

ARTICLE VI.

The Minister's stipend shall be guaranteed out of the revenues of the church, and shall be paid in four quarterly payments, each quarter in advance.

ARTICLE VII.

The rents of the pews, and all other revenues of the church, (except the weekly collections,) shall be appropriated to the payment of the minister's stipend, the payment of the principal and interest of all money borrowed for the purposes of the church and congregation, and to the defraying of any incidental expenses which may be incurred for the church, other than those specially provided for out of the weekly collections. And should any surplus remain, it shall be under the control of the Trustees, for the benefit of the church and congregation.

ARTICLE VIII.

The weekly collections, and the money received for the use of the pall-cloth, shall be a fund under the control and management of the Session. Out of this fund the salaries of the precentor and beadle shall be paid; a certain allowance shall be made to the minister for communion elements, and to defray the necessary expenses incurred by him on Sacramental occasions, and attending church courts. The travelling expenses of the ruling Elder, when attending church courts shall be paid out of this fund. These items being paid, the residue shall be applied to the relief of the poor of the congregation; such only being entitled to this aid, who shall have been previous to their application for such aid, regular communicants, and constant in their attendance on Divine Worship for three years immediately preceding others in extreme distress, and emigrants, members of the Church of Scotland, may be assisted, at the discretion of the Session. Should there still be a surplus, it shall be paid over annually to the Trustees for the general interests of the church and congregation; and should the weekly collections, or donations, in aid of the session fund, be found inadequate for the several purposes aforesaid, an appeal shall be made to the congregation for a special collection to supply the deficiency.

ARTICLE IX.

Every person having purchased a pew, or pews, in the said church and having paid for the same, and who shall produce a deed, duly executed by the Trustees, is a proprietor, and entitled to all the privileges belonging to proprietors, as specified in the by-laws.

Proprietors, not in arrear of rent, may transfer their pews by sale gift or last testament; but no transfer can be valid, except on the express condition of the new proprietors being approved of by the Trustees, and subscribing to the by-laws.

Any proprietors who shall refuse or neglect to pay the annual rent fixed on his or her pew or pews, agreeably to his or her deed, for the space of two years from the time said rent shall have become due, shall be considered as having forfeited his or her pew or pews in the church, and the Trustees after having given notice from the precentor's desk on two preceding Sabbaths of such forfeiture, shall be empowered to sell the said pew or pews to the highest bidder or bidders, provided such bidder or bidders be approved of by the Trustees, the proceeds of such sales shall be applied to the payment of the rent due, and if any surplus remain, the same shall be paid to the last proprietor.

ARTICLE X.

Any person who shall lease a pew from the Trustees for one year and pay the rent in advance, shall be considered a pew-holder, the rents of pews and sittings are to be paid annually in advance from the first day of January, and are considered to be then due; the current year is included when in these by-laws it is stated as a qualification that the individuals must have paid rent for three years, and are members of three years standing, &c.

The Trust
the church at
on, but not fo
amounts to, a
money, and a
the annual re
ording as th
they having f
crease of two
in possession,
the Parish of

The term
pews, pew-ho
regular sitters
tively.

The term
hends those r
communion.

The sessio
communion,
names of thos
entering the
preceding suc
tion and bene

The Trust
of the proprie
one individual
Trustees, tha

The Trust
tees, or of the
up lists or rol
tees, or to vo
mittees for th
committees.

The custo
during his inc
absence of th
Presbytery o

ARTICLE XI.

The Trustees are empowered to sell all the pews in possession of the church at such times and at such upset prices as they may decide on, but not for a less sum than two years of the fixed annual rent amounts to, and subject to an annual rent over and beside the purchase money, and all deeds granted shall contain a clause or proviso, that the annual rents may be augmented or decreased by the Trustees, according as they may deem that the wants of the congregation require, they having first obtained the sanction for such augmentation or decrease of two-thirds of the proprietors of pews of at least one full year in possession, not in arrear of rent, and at the time residing within the Parish of Montreal.

ARTICLE XII.

The term congregation in these by-laws implies, the proprietors of pews, pew-holders, members in full communion with the church, and regular sitters, whose names are entered in the church books, collectively.

ARTICLE XIII.

The term church, in these by-laws, referring to persons, comprehends those members of the congregation, collectively, who are in full communion.

ARTICLE XIV.

The session shall make out an accurate roll of the members in full communion, and shall, yearly, correct the same, by striking off the names of those who have been removed by death, or otherwise, and entering the names of those who have been admitted within the year preceding such annual correction,--the roll to be open for the inspection and benefit of the congregation.

ARTICLE XV.

The Trustees shall enter in a book, kept for the purpose, the names of the proprietors of pews, pew-holders and sitters; when more than one individual rents a pew, they shall all give their names to the Trustees, that they may be entered on the roll of the congregation.

ARTICLE XVI.

The Trustees shall, previous to the election of a Trustee or Trustees, or of the election of Committees for selecting a Minister, make up lists or rolls of the proprietors and members qualified to be Trustees, or to vote in the election of Trustees; to be members of committees for the selecting a Minister, or to vote in the election of such committees.

ARTICLE XVII.

The custody of the keys of the church will lie with the Minister during his incumbency, and with the Kirk Session during a vacancy, or absence of the Minister, or of his suspension by the Synod, or by the Presbytery of the Bounds. It being understood, that the right of free

admittance into the church shall belong to the congregation, at all times appointed by the Kirk Session, for the Worship of God, and to the Trustees and Committees, on all occasions connected with the business of the church and congregation. In all other cases, the consent of the Minister, or Kirk Session, together with three of the Trustees, must be had before the use of the church can be granted.

ARTICLE XVIII.

This church shall be under the ecclesiastical jurisdiction of the Synod of the Presbyterian Church of Canada, in connection with the Established Church of Scotland, as sanctioned by the declaratory enactment of the General Assembly of the Church of Scotland, passed on the 24th day of May, 1833. It being understood, that no act or declaration of said Synod, shall contravene Article I. of these by-laws, and of the Act of Incorporation of this church. And provided it may appear to the proprietors and members qualified as in Article IV. of these by-laws, that any decision of the Synod shall have contravened or in any way destroyed the force of Article I., or of the Act of Incorporation of this Church, or if any doubt or dispute shall arise on these points, reference shall then be made to the General Assembly of the Church of Scotland aforesaid, craving their advice, which having been obtained, the Church shall consider the same as binding on their observance, and shall act accordingly.

ARTICLE XIX.

All deeds, books and documents, of every kind, belonging to the Church, shall be kept in the safe, (lists of them being taken and kept on record), none of them shall be given out, for any purpose whatsoever, except by the permission of the Trustees.

ARTICLE XX.

The Trustees shall hold regular meetings on the first Mondays of March, June, September, and December, and at any other time, on the requisition of the convener, or of two of the Trustees.

ARTICLE XXI.

Every person, whether proprietor, pew-holder, sitter, or member of this church, shall, before they can be competent to elect or be elected to any office, or to have any share in the management of this church, subscribe the by-laws.