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3rd Session, 5th Parliament, 20 Victoria, 1857.

(PRIVATE BILL.)

BILL.

An Act to amend 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 a Church and Burying-ground*, and to make other provisions in lieu of the same.

Received and read, first time, Friday, 27th March, 1857.

Second reading, Monday, 30th March, 1857.

HON. MR. MORRISON.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

PRINTED BY JOHN LOVELL.

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

WHEREAS 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 15th day of April, 1825: And whereas the said Trustees took possession of the said land under the said deeds; And whereas in the year 1844, 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, &c., enacts as follows:

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 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: Provided always, that such election shall take place at the Annual Meeting of the congregation of Knox's Church aforesaid, or at any Special Meeting

Preamble.

4 G. 4. c. 34.

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

Proviso.

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.

How the Trustees shall hold the land; certain Acts to apply. 5
 12 V. c. 91. II. The said land shall henceforth be held by the present Trustees of the congregation of Knox's Church aforesaid, and their successors to be elected in manner hereinbefore enacted, for the benefit of the congregation of Knox's Church aforesaid, 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 certain Acts for the Relief of Religious Societies*, passed in the twelfth year of Her Majesty's reign, chapter 91; also, an Act, intituled, *An Act to authorize the Trustees holding Land upon 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 78; also, an Act, intituled, *An Act to authorize the 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 119. 10 15

Annual election of Trustees. 20
 Failure provided against. 25
 And so of any defect of Trustees. 30
 III. The said Trustees shall retire from office annually on the day of the Annual General Meeting of the congregation of Knox's Church aforesaid, but shall be eligible for re-election in manner aforesaid; and in case of delay or failure to hold such Annual General Meeting, or to elect or re-elect such 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 of the death of such Trustees or Trustee as aforesaid, or any other cause that may occasion a defect or failure of such 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.

Public Act. IV. This Act shall be deemed a public Act.