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1st Session, 6th Parliament, 21st Victoria, 1858.

G.

BILL.

An Act to incorporate the Trustees of St.
Andrew's Church, in the town of Perth;
and County of Lanark, in connection with
the Established Church of Scotland.

Received and read 1st time, Thursday, 11th March,
1858.

Second reading, Friday, 19th March, 1858.

(500 Copies.)

HON. MR. MATHESON.

TORONTO:—LEADER STEAM-PRESS PRINT.

BILL.

An Act to incorporate the Trustees of Saint Andrew's Church in the Town of Perth and County of Lanark, in connection with the Established Church of Scotland.

WHEREAS it is the desire of the Lay Members, Proprietors of Pews, and Renters of Pews of St. Andrew's Church in Perth in the County of Lanark, one of the Presbyterian Churches in Canada in connection with the Established Church of Scotland, to adhere to the 5 forms and usages of that Church as by law established, which keep the temporal and spiritual matters of said Church of Scotland separate and distinct; and whereas the several constitutions which have been adopted for said St. Andrew's Church have been inadequate to the fulfilment of this very important matter; and whereas the lay members, proprietors 10 of pews and renters of pews in said St. Andrew's Church, desire to be incorporated in conformity with the forms and usages of the said Church of Scotland, in order that they, the lay members, proprietors of pews and renters of pews in the said St. Andrew's Church in the County of Lanark aforesaid, may have secured to them the sole power to manage all the 15 property which belongs, or which may belong, to said St. Andrew's Church, free of all control, jurisdiction or any other interference whatsoever of the spiritual officers of or belonging to said St. Andrew's Church in Perth in the County of Lanark:—Therefore Her Majesty, &c.

1. The following lay members of St. Andrew's Church in Perth in the 20 County of Lanark, one of the Presbyterian Churches of Canada in connection with the Established Church of Scotland, namely, Duncan McDonald, John Hart, William Thomson, William McPherson and Francis Spalding, shall be a body politic and corporate in deed and in name, and have succession for ever, by the name of Trustees of St. 25 Andrew's Church in the Town of Perth and County of Lanark, in connection with the Established Church of Scotland, and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever within this Province, and have full power and capacity to purchase, receive, and enjoy for the use and benefit of said St. Andrew's Church in Perth in the County of 30 Lanark, and Province of Canada, all goods and chattels, lands and tenements, and hereditaments, and improve and use the same for the benefit of the said St. Andrew's Church, according to their best discretion, and the true intent and meaning of the donors when the same shall be given,

Five persons, and their successors, incorporated as Trustees, with the usual corporate powers.

devised and bequeathed to the use and benefit of the said St. Andrew's Church, any law, usage or custom to the contrary notwithstanding; provided always that the amount of the annual rents, profits and receipts of such lands, tenements, goods, chattels, and hereditaments shall not exceed the sum of Seven Hundred Pounds. 5

Proviso.

Certain real property vested in the Trustees.

II. The lot of land on which the said St. Andrew's Church is built, fronting Drummond Street and Craig Street, in the said Town of Perth, together with the Church and a Glebe Lot consisting of two hundred acres of land, on which the Manse is erected, being lot number twenty-six in the tenth Concession of the Township of North Elmsley in the said County of Lanark, shall be and remain fully and absolutely vested in the said Trustees of St. Andrew's Church in the Town of Perth and County of Lanark, and their successors for ever, as a good and absolute estate in fee simple, for the use and benefit aforesaid, and shall be deemed and taken to be so vested in all Courts of Law and Equity in the said Province, any law, usage or custom to the contrary notwithstanding. 10 15

Annual meeting for election of Trustees.

III. The lay members, proprietors of pews, and renters of pews of the said St. Andrew's Church shall, on the third Wednesday of January for ever hereafter yearly and every year assemble and meet together in the said St. Andrew's Church in Perth, and then and there by a majority of votes of the said lay members, proprietors of pews, and renters of pews, in the said Church, then and there present, between the hours of twelve and three in the afternoon, elect and choose any number of lay members not exceeding five, to be Trustees for the purposes aforesaid, who shall thereupon enter into the execution of their office and continue in the same for one year, or until fit persons shall be chosen in manner aforesaid in their stead, or the said Trustees, or any one or more of them may be re-elected; provided always that the lay members, proprietors of pews, and renters of pews in the said Church shall not be entitled to more than one vote each. 20 25 30

Proviso.

Powers of Trustees.

IV. The said Trustees of the said St. Andrew's Church, so constituted and appointed, or the major part of them, assembled upon due notice publicly given, shall have full power and authority to have, use, and take all lawful means as they in their discretion shall think meet, by the sale of the said Pews in said Church, or the letting of them to hire, and the letting to hire of the said lands, or any other lands which may come into their possession, provided the same be for a term of years not exceeding twenty-one years, and by the improvement and use as aforesaid of such goods, chattels, lands, tenements, and hereditaments, as shall be hereafter given or purchased to and for the use and benefit of the said St. Andrew's Church; provided always, that the said Trustees shall not be empowered to sell or dispose of the said Church, lands, tenements, and hereditaments, absolutely. 35 40 45

Proviso.

Call or nomination of Candidates and choice of Minister, by whom to be made

V. In case of a vacancy, or expiration of any agreement made or to be made with any minister for the said Church, the call or nomination of a candidate or candidates for the pastoral charge of the said Church, shall be in the trustees, elders and communicants of the said Church, and the choice among such candidate or candidates, or choice of rejection of such 45

candidate or candidates shall be in the congregation, being trustees, elders and communicants of said Church, or a majority of them; and if it shall be necessary to call a minister from Great Britain, the arrangement for that purpose shall solely be vested in the trustees and elders of the said 5 Church; provided always, in either case, the minister or ministers to be Proviso. called shall be duly ordained or licensed preachers, by a Presbytery in connection with the Established Church of Scotland.

VI. The minister or ministers, elders and deacons, and other officers of Election of Ministers and other officers of the Church. the said St. Andrew's Church, shall be elected, chosen and appointed, 10 and have, hold, and exercise and enjoy their respective offices according to the usage of the said Church of Scotland, except so far as the same may be altered or abridged by this Act.

VII. The said trustees of the said St. Andrew's Church, hereby incor- Corporation to be liable for engagements of former Trustees. porated, shall be held, both in Law and Equity, bound for any engage- 15 ment made by any former trustees, or other persons belonging to the said Church, for the minister's stipend and expenses in coming to this country, and the same shall be paid by the said Corporation, so as to relieve the said trustees or other persons, of the burthen of such engagements; and if the amount thereof happen to exceed the yearly income of the said 20 Church and Corporation, as such, it shall not make the trustees responsible in their private capacities.