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1st Session, 8th Parliament, 27 Victoria, 1863.

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# I

## BILL.

An Act to provide for the succession of Trustees of the Church and Manse property belonging to St. Andrew's Church, Fergus, and to rectify the titles thereto ; as also to authorize the Trustees of the Glebe of the said Church to sell the undisposed of residue thereof.

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Received and read, first time, Tuesday,  
25th August, 1863.

Second reading, Thursday, 27th Aug., 1863.

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HON. MR. FERGUSON BLAIR.

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & LEMIEUX, ST. URSULE STREET.

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## BILL.

An Act to provide for the succession of Trustees of the Church and Manse property belonging to St. Andrew's Church, Fergus, and to rectify the titles thereto; as also to authorize the Trustees of the Glebe of the said Church to sell the undisposed of residue thereof.

**W**HEREAS, on or about the twenty-eighth day of June, in the year Preamble.  
of our Lord one thousand eight hundred and thirty-seven, the late  
Honorable Adam Fergusson, together with James Webster, Esquire,  
did execute two certain Deeds for the purpose of conveying to certain  
5 Trustees, therein named respectively, the lands following, that is to  
say: Firstly, all and singular, that certain parcel or tract of land, and  
premises situate, lying and being in the Village of Fergus, in the Town-  
ship of Nichol, County of Halton, Gore District, and Province of Upper  
Canada, now in the said Village of Fergus, County of Wellington, and  
10 Province of Canada, and known and described as that piece of ground  
on which the then St. Andrew's Church stood, as the same was then  
enclosed, and on which the new St. Andrew's Church has since been  
erected, and situate on the north-west side of St. George Street, fronting  
Tower Street, and butted and bounded as follows, that is to say: com-  
15 mencing at the southerly angle of the said enclosure, thence north sixty  
degrees, thirty minutes west, two chains seventy-eight links, more or  
less, to where a post has been planted; thence north twenty-nine degrees  
thirty minutes east, two chains, more or less, to where a post has been  
planted; thence south sixty degrees thirty minutes east, two chains  
20 seventy-eight links, more or less, to where a post has been planted on  
the north-west side of St. George Street; thence south twenty-nine  
degrees thirty minutes west, two chains, more or less, to the place of  
beginning, and containing, by admeasurement, two roods, eight perches  
and twenty-nine square yards, be the same more or less; And, secondly,  
25 all and singular, that certain other parcel or tract of land and premises  
situate, lying and being in the said Village of Fergus, and known and  
described as the manse lot attached to St. Andrew's Church, Fergus,  
on the north-west side of North St. George Street, and butted and  
bounded as follows, that is to say: commencing where a post has been  
30 planted at the southerly angle of said lot at the junction of St. David  
Street and North St. George Street, thence north twenty-nine degrees  
thirty minutes east, two chains and fifty links, more or less, along the  
north-west side of North St. George Street to where a post has been  
planted; thence north sixty degrees thirty minutes west, four chains,  
35 more or less, to where a post has been planted; thence south twenty-  
nine degrees thirty minutes west, two chains and fifty links, more or less,  
to where a post has been planted on the north-east side of St. David  
Street; thence south sixty degrees thirty minutes east, four chains,  
more or less, along the side of St. David Street to the place of begin-  
40 ning; containing, by admeasurement, one acre, be the same more or  
less; To hold with the appurtenances to such Trustees and their

successors in office for ever; but the manner of the appointment of such successors in office is not specified in such deeds of conveyance, and it is desirable to provide therefor, and to rectify such deeds accordingly;

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Mode, &c., of  
appointment  
of successors  
to present  
Trustees.

1. The successors in office of such Trustees as aforesaid, shall be appointed in manner following, that is to say: The body of Trustees shall be composed of the said James Webster and of Thomas Williams Valentine, Esquire, (they being the only members of the original body of Trustees of the said lands who are now living and in connection with the said church) and of Gilbert Heriot Todd, John Moffatt, Thomas Milne, Alexander Dingwall Fordyce, John Watt, Alexander Sherriffs Cadenhead, and Archibald McIntyre, (being, in all, nine in number). On occasion of a vacancy of office by either of the said remaining original Trustees, James Webster or Thomas Williams Valentine, whether by death, incapacity, resignation, or ceasing to adhere to the said church, such vacancy shall not be filled up, but the number of the body of the Trustees shall be reduced accordingly to eight or to seven, as the case may be; of the other Trustees, the two whose names follow next in order after those of the said two remaining original Trustees, shall cease to hold office as such at the annual meeting of the Congregation of the said church, in the year of our Lord one thousand eight hundred and sixty-three, and two other Trustees, in their place, shall be chosen by the said congregation at such annual meeting, or at some other subsequent meeting thereof, to be specially held for the purpose. The Trustees so vacating office shall be eligible for re-election. The names of the Trustees so to be chosen by such congregation shall be placed at the foot of the list of the general body of such Trustees. The like general practice shall, from time to time, be continued thereafter in each succeeding year, the two Trustees (other than the two remaining original Trustees) at the head of the list at the time of every such annual meeting ceasing thereupon to hold office as such, and others being chosen in their place in manner aforesaid, but those ceasing to hold office being re-eligible as aforesaid. If any vacancy in such body of Trustees (other than in the case of such two remaining original Trustees as aforesaid) shall occur, whether by death, incapacity, resignation or ceasing to adhere to the said church, between any two such annual meetings, a Trustee shall be appointed by the remaining Trustees, to fill such vacancy until the next annual meeting. At such next meeting, or at some other subsequent special meeting to be held for the purpose, the appointment of such new Trustee shall either be confirmed or disallowed, and if disallowed another shall be appointed in his place. Such new Trustee shall stand in the same order on the general list of Trustees, and shall be subject to the same conditions relative to vacating office and re-election as the person in whose place he has been appointed would have done.

New deeds  
not necessary.

2. It shall not be necessary, in the case of any change in such Trusteeship, for any deeds of the said lands to be made by any former Trustee or Trustees to any succeeding such.

50

Effect of  
foregoing  
enactments.

3. The foregoing enactments shall be construed to have the like effect as if the manner of appointment of the successors in office of such original Trustees had been specified in such deeds of conveyance of such aforesaid lands respectively.

4. And whereas the lands known as all that parcel or tract of land Recital.  
 situate in the Township of Garafraxa, in the said County of Wellington,  
 containing by admeasurement, two hundred acres, more or less, being  
 composed of the easterly and westerly halves of lot number eight in the  
 5 first concession of the said Township of Garafraxa, with the appurtenances, except certain portions thereof, heretofore otherwise disposed of, are vested in the said James Webster and Thomas Williams Valentine, Alexander Dingwall Fordyce, Alexander Drysdale, John Brockie, Alexander Sherriffs Cadenhead, Robert Powrie, George Colquhoun  
 10 Hamilton and Matthew Anderson, as Trustees for the use of the aforesaid St. Andrew's Church, Fergus, and it is desirable to allow them to sell such undisposed of portion thereof without the usual formalities required by law in like cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada,  
 15 as aforesaid, further enacts as follows: It shall and may be lawful for such last mentioned Trustees and their successors in office, or a majority of them, to sell and alienate all or any of such undisposed of glebe lands  
 20 terms of payment and security as to them or the majority of them may seem best.

Trustees may  
sell glebe  
lands.

5. No purchaser, under any such sale, shall be bound to see to the application of the purchase money by such Trustees.

Purchaser  
not to see to  
fulfilment of  
trust.

6. The proceeds of such sale or sales shall be applied to the liquidation of the debt contracted for the building of the said present St. Andrew's Church, or otherwise for the use of the congregation thereof, as such congregation may decide, but shall not be invested in the purchase of any real estate.

Application  
of proceeds of  
sale.

7. This Act shall be deemed a Public Act.

Public Act.