

per cent to cover deficits, which fifteen per cent shall be apportioned, levied and paid like the principal sum.

7. The church and sacristy shall be insured, during Insurance. construction and after completion, against fire or any other risk of destruction; and the insurance policies may be transferred as additional security for the loans.

8. This act shall come into force on the day of its Coming into sanction. force.

C H A P. 140

An Act to ratify the union of St. Andrew's Church and St Paul's Church and to incorporate "The Church of St. Andrew and St. Paul"

[Assented to, 4th of March, 1919]

WHEREAS the Reverend Daniel James Fraser, D.D., Preamble. principal of the Presbyterian College; Farquhar Robertson, merchant; Robert H. Barron, notary public; Robert Starke, merchant; John McDonald, manager; Hugh Paton, capitalist; Anthony Haig Sims, merchant; Colin D. Morgan, merchant; B. Hal Brown, manager; George Caverhill, merchant; Norman J. Dawes, manager; and John Williamson, Esquire, all of the city of Montreal, have by their petition represented:

That by an act of the Legislature of the Province of Canada, 12 Victoria, chapter 154, intituled "An act to incorporate the Minister and Trustees of Saint Andrew's Church, Montreal," as amended by the act 20 Victoria, chapter 191, the minister and trustees of the said church and their successors were declared to be a body corporate under the said name, with all the powers therein set forth, and more particularly with power to hold certain real property, and among others, certain lands forming part of the Beaver Hall property and more fully described in a deed from Mr. Edwin Atwater to the Reverend Alexander Mathieson and others, passed before J. J. Gibb and colleague, notaries, bearing date the fourth of December, 1847, which land is now known as lot No. 1148 on the official plan and book of reference of St. Antoine ward in the city of Montreal;

That the said real property and the church erected there-

on have ever since the passing of said statute been vested in the said corporation;

That in and by virtue of said statute, the said corporation was empowered to make, alter or repeal such by-laws, rules, ordinances and regulations as should not be contrary to the constitution and laws of the said Province of Canada or to the provisions of the said act;

That in or about the year 1852 a body of Presbyterians in the said city of Montreal, availing themselves of the ordinance of the Special Council of Lower Canada, 2 Victoria, chapter 26, assumed the name and title of "St. Paul's Church of Montreal", under the jurisdiction of the Synod of the Presbyterian Church in Canada in connection with the Church of Scotland, with all the privileges and advantages granted by the said Ordinance;

That the said St. Paul's Church, also availing itself of the provisions of the act of the Province of Quebec, 38 Victoria, chapter 62, intituled "An act respecting the union of certain Presbyterian churches therein named", adopted the necessary procedure to become, and became, a member of "The Presbyterian Church in Canada", and has also passed rules, regulations and by-laws under the sanction of the said ordinance and statute;

That by deed of conveyance passed before W. Ross, N.P., the 12th April, 1867, Donald Ross and others, in their quality of trustees of St. Paul's Church, duly acquired from the heirs Mills, for themselves and their successors in office, land situated at the corner of Dorchester and St. Monique streets, and more particularly described in said deed, for the purpose of erecting thereon a church, which land is now known as lot No. 1115 on the official plan and in the book of reference of St. Antoine ward in the city of Montreal;

That a church known as St. Paul's Church and other premises were duly erected on said land;

That by deed of sale passed before J. S. Hunter, N.P., the 23rd of June, 1873, Donald Ross sold and conveyed to Andrew Allan and others, in their quality of trustees of said St. Paul's Church, a certain piece or parcel of land therein mentioned and now known as lot No. 1116 on the official plan and in the book of reference of said St. Antoine ward for the purpose of erecting thereon a manse or residence for the minister of said church, which manse or residence was erected thereon;

That negotiations were recently entered into by the Kirk sessions of the said two churches of St. Andrew's and St. Paul's, by the appointment of a joint committee to consider the question of union of the said churches, and to formulate a scheme under which the same might be effected;

That the said joint committee drafted a report containing certain resolutions for submission to said churches, and, at duly convened meetings of the congregations thereof, the said resolutions were adopted and it was resolved to unite the said congregations into one congregation in connection with the Presbyterian Church in Canada, under the name of "The Church of St. Andrew and St. Paul" for the purposes set forth in said resolutions, which have been approved by the presbytery of Montreal in connection with the said Presbyterian Church in Canada;

That the said St. Andrew's Church has availed itself of the provisions of the said act 38 Victoria, chapter 62, and has become a member of the "Presbyterian Church in Canada";

That the trustees of the said churches have paid and discharged all their respective obligations;

That it is the intention and desire of the said churches that all the property, moveable and immovable, and wherever situated, assets, benefits, bequests, and trusts, now held by the said churches or the trustees thereof for and on behalf of said churches respectively, shall be vested in and become the property of "The Church of St. Andrew and St. Paul" in connection with the Presbyterian Church in Canada;

That the said "the minister and trustees of St. Andrew's Church, Montreal," and the board of trustees of St. Paul's Church, have fully performed and accomplished the objects for which they were created and have mutually consented to their dissolution;

That it is desirable to dissolve the said corporation of "the minister and trustees of St. Andrew's Church, Montreal," and "the trustees of St. Paul's Church, Montreal", and to ratify and confirm the union of the congregations of St. Andrew's and St. Paul's churches;

That the persons above mentioned and other members and adherents of the said churches wish to be incorporated for such purposes under the name of "The Church of St. Andrew and St. Paul";

Whereas it is expedient to grant their prayer;

Therefore His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The corporation known as "The Minister and Trustees of St. Andrew's Church Montreal", created by the act 12 Victoria, chapter 154, as amended by the act 20 Victoria, chapter 191, of the heretofore Province of Canada, is hereby dissolved, and the trust of the trustees of St. Paul's church of Montreal is declared to be fulfilled and terminated.

Rights of
creditors
safeguarded.

2. Such dissolution shall not prejudice the rights of creditors, if any, of said corporation "The Minister and Trustees of St. Andrew's Church, Montreal", or of the trustees of St. Paul's Church of Montreal, nor the rights and claims, if any exist, in favor of said corporation or said trustees.

Union
confirmed.

3. The union of the congregations of St. Andrew's Church and St. Paul's Church, in the city of Montreal, in connection with the Presbyterian Church in Canada, is hereby ratified and confirmed and declared to be irrevocable and binding.

Corporation
constituted.

4. The petitioners, the Reverend Daniel James Fraser, D.D., principal of the Presbyterian College; Farquhar Robertson, merchant; Robert H. Barron, notary public; Robert Starke, merchant; John McDonald, manager; Hugh Paton, capitalist; Anthony Haig Sims, merchant; Colin D. Morgan, merchant; B. Hal Brown, manager; George Caverhill, merchant; Norman J. Dawes, manager; and John Williamson, Esquire, all of the city of Montreal, and such other persons as have been heretofore members or adherents of the said St. Andrew's Church or of the said St. Paul's Church in the city of Montreal, and who may now be members or adherents of the congregation formed in the city of Montreal in connection with the Presbyterian Church in Canada out of the union of the said churches, and also all other persons who now are or who may hereafter become members or adherents of the said united church of St. Andrew and St. Paul, are hereby constituted a body politic and corporate under the name of "The Church of St. Andrew and St. Paul".

Corporate
seat.

5. The corporate seat of the said corporation shall be in the city of Montreal.

Powers of
corporation.

6. The said corporation shall have perpetual succession and a common seal, and shall be in law capable of suing and being sued in all courts of justice, and also of contracting and being contracted with relative to the funds and property of the said corporation, and the business and purposes for which it is hereby constituted, including the right to borrow monies for the purposes of the corporation.

Property
vested in
corporation.

7. The several lots or parcels of ground aforesaid, to wit, lot No. 1148 on the official plan and in the book of reference of St. Antoine ward in the city of Montreal, to be deducted, however, from the said lot a strip of land along

the south-east side of the said lot taken by the city of Montreal for the widening of Lagauchetière street (which strip is seventeen feet and fifteen one-hundredths of a foot in width at its south-west end, one hundred and ten feet in its north-west line, and one hundred and eighteen feet in its south-east line, the latter line being curved towards the north-east, and containing sixteen hundred and seventy-four feet in area), with the church thereon erected, held by "The Minister and Trustees of St. Andrew's Church, Montreal", and the lots or parcels of land known as lots Nos. 1115 and 1116 on the official plan and in the book of reference of St. Antoine ward in the city of Montreal, with the church, manse and other buildings thereon erected, heretofore held by the trustees of St. Paul's Church, Montreal, and all the fittings, furnishings and moveable property, and all other assets, benefits, bequests and trusts appertaining to the said churches and buildings, and now held by or in trust for the said churches and the congregations thereof, or otherwise, shall be held by and are now declared to be vested in the corporation hereby created for the uses and purposes of the congregation of the said church, or of the said trusts.

8. The said corporation may hold, acquire or possess such property moveable and immoveable as may be required for the uses of the congregation, or otherwise, and may dispose of, alienate, exchange, deal with or hypothecate the same and acquire other property in lieu thereof; provided that the annual value of the property acquired shall not exceed seventy-five thousand dollars; provided also that the purchaser of any land or property which the said corporation may decide to sell shall not be liable for, or bound to see to, the application of the consideration money or any part thereof.

9. The said corporation shall likewise have power and authority to found, maintain, conduct or contribute to schools, colleges or other institutions for the advancement of learning, and religious, benevolent and charitable institutions generally.

10. The session of the church hereby created shall be composed, in addition to its minister, as moderator, the assistant or associate ministers, if any, and of the elders of both churches holding office at the date hereof, and of the elders who may hereafter be admitted to said office.

11. The members of the corporation hereby created

adoption of
by-laws.

shall adopt such by-laws, rules and regulations for the government and administration of the affairs of the church as shall be agreed upon by the members thereof, in accordance with the rules and forms of procedure of the Presbyterian Church in Canada, or such other special rules, regulations and by-laws as may be decided on at a congregational meeting called for the purpose in accordance with said rules and forms of procedure; provided always that in voting upon all questions concerning or affecting the property rights of the corporation hereby created, only members in full communion, who have been in good standing for at least one year, and adherents who have been pew-holders or seat-holders in either of the said churches, or in the corporation hereby created, for at least three consecutive years immediately preceding the date of such voting, and not in arrears of pew rent, shall be entitled to vote, and no resolution in any way alienating, conveying, hypothecating or affecting the immoveable property of the corporation hereby created shall be binding or acted upon, unless and until adopted by the affirmative vote of at least three-fourths of the members and adherents present and qualified to vote, at a meeting duly called for the purpose.

Amend-
ments to
by-laws.

The affirmative vote of three-fourths of those qualified, and present at a meeting duly called for the purpose, shall be necessary in any way to affect, change or amend the by-laws of the corporation hereby created.

Notice to
registrars.

12. A notice on behalf of the corporation hereby created, signed by the chairman of the managing board thereof, or any member of said board, addressed to the registrars of any registration division in which the immoveable properties affected by this act may be situated, shall be valid and sufficient for all registration purposes, and to authorize the said registrars to make all necessary entries relating thereto with respect to the transfer of the immoveable properties authorized by this act.

Statement
for Lieut.-
Governor.

13. The corporation shall, when so required by the Lieutenant-Governor in Council, transmit a statement of the immoveables held by it, a copy of its by-laws and the names of its officers.

Coming into
force.

14. This act shall come into force on the day of its sanction.