

C A P. L V I.

An act to incorporate Emmanuel Church, Montreal.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the pastor, deacons, trustees and other members of "Emmanuel (Congregational) Church," Montreal, by their petition have prayed that they be incorporated under the name of "Emmanuel Church, Montreal," for the purposes mentioned in their said petition, and hereinafter described; and whereas it is expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Constitution
of corpora-
tion.

1. The Reverend John Frederick Stevenson, LL. B., Henry Vennor, Charles Alexander, Henry Lyman, Alfred Savage, Theodore Lyman, Rev. George Cornish, LL. D., Charles R. Black, Robert C. Jameson, John S. McLachlan, Robert Dunn, William Moodie, Francis Scholes, James Linton, William Reid, and all other persons who are now, or who may hereafter become members of Emmanuel Church, Montreal, shall be, and they are hereby constituted a body politic and corporate under the name of "*Emmanuel Church, Montreal*," and as such may sue and be sued, plead and be impleaded in all courts of law and equity, and have a common seal.

Name.

Church

2. The said corporation shall be an Evangelical Pedo-Baptist Congregational Church, according to the received faith and order of such churches.

Purchase and
sale of pro-
perty.

3. The said corporation may acquire and hold, by any description of title, lands and tenements, immovable and movable property for the sole use and benefit of the said church corporation, and for mission chapels, parsonages, and other religious and benevolent purposes in the city of Montreal, affiliated thereto or otherwise, under the supervision and control thereof; and may, from time to time, sell, alienate, and hypothecate any such property, and apply the proceeds thereof in furtherance of the purposes for which it is hereby authorized to acquire the same, and may vote money in aid of such religious and benevolent purposes, provided, in so doing, the following rules shall be strictly observed, namely:

Conditions.

Approval.

1. A proposition for the purchase of property, or to vote money, shall first be considered by the deacons and trustees, and if approved by them, it shall be recommended to the said corporation for its consideration and action at a special general, or annual general meeting of

the said corporation, when, should two thirds of those present concur, the proposed purchase may be made, or money voted, as the case may be, provided, however, that the proposition aforesaid shall stand before the said corporation for one month before final action—and further that such action shall be null and void if taken during the months of July or August in any year.

Provided that should the said deacons and trustees decline to recommend any proposition for the purchase of property for and on behalf of said corporation, or to vote money, or appropriate the funds of the said corporation in aid of its own work, or any object or objects of a religious or benevolent character extraneous to itself; or should they be prevented from so doing from any cause whatsoever, the said corporation shall have the right nevertheless to consider and to decide to purchase property, or to so vote and appropriate its funds as aforesaid,—provided, however, that a requisition signed by twelve of the male members of said corporation of the age of twenty-one years and upwards, who contribute respectively not less than fifty dollars annually to its “current expense fund” shall be presented to the pastor or secretary of the said Emmanuel Church for the time being, and also that the above mentioned formalities as to notice, etc., etc., shall also have been duly observed.

Case of refusal etc., of deacons and trustees.

2. The property held for the use of the said corporation shall not exceed in annual value the sum of ten thousand dollars.

Limit of property.

3. The property of the said corporation shall be held and administered by trustees as is hereinafter provided, to and for the use of said corporation in perpetuity, and the said property shall not be sold or hypothecated without it shall be so resolved by a majority consisting of three fourths of the members of said corporation present, being of the age of twenty one years and upwards, at a special meeting called for the purpose aforesaid by a notice at public service on Sunday at least one month prior to the date of said meeting, and the said majority shall include a majority of enregistered contributors to the “building fund” of said corporation, resident in the city—provided, however, that no such meeting shall be legally held during the months of July and August in any year.

Management and administrators of property.

4. In the event that the said property, or any portion thereof, shall be sold or hypothecated, the proceeds shall in the former case be re-invested in other property for the religious uses of said corporation :—and in the latter the funds obtained by said hypothecation shall be used for the improvement of the existing property, the discharge of other hypothecary obligations or for other similar beneficial purposes.

Proceeds of sale how to be invested.

If church be dissolved.

Provided, however, that should the said corporation become extinct by reason of the dissolution of said Emmanuel Church, the property theretofore held by it shall be sold by the existing trustees or other officers or persons in charge of the same, and the net proceeds thereof shall be returned to the said registered contributors to the building fund of the said corporation, or to their representatives if they shall be known, according to the relative proportions of their several contributions to the said fund :—and any portion thereof, which shall not be claimed within a period of twelve months and one day, from the date of the said dissolution of the said corporation, shall be paid over by the custodian of the fund for the time being, to the Congregational Union of Ontario and Quebec to be used by it for church building purposes.

Church secretary ; his duties.

4. The said corporation shall annually appoint a secretary from among its deacons, who shall be called " church secretary," and it shall be his duty to keep a roll of membership, minute journal of deacons' meetings, and of the church board and of the meetings of said corporation : all which records shall be the property of said corporation and shall be subject to its control.

Board of trustees.

5. The secular affairs of said corporation shall be administered by a board of seven trustees who shall be members of said corporation, and shall be elected by ballot as follows, namely :

Election.

1. At the first annual meeting of said corporation, after the passing of this act, seven trustees shall be elected as aforesaid, and at every subsequent annual general meeting three trustees only shall be elected, and it shall be the duty of the said board, prior to the said meeting, to choose, by ballot or otherwise, which shall be the three retiring members, who shall, however, be eligible for re-election.

Vacancies.

2. The said board shall be empowered to fill vacancies occurring during any current year.

Officers.

3. Immediately after the election of trustees, as aforesaid, the board shall be constituted by the appointment from among its members, of a chairman, a treasurer and secretary.

Various accounts to be kept.

4. The board of trustees shall keep accurate accounts of receipts and expenditures on account of the said corporation, and records of their proceedings, also the roll of contributors to the building fund ; all of which shall be the property of the said corporation and be subject to its control.

Collection of funds, etc.

5. The trustees shall be charged with the collection and disbursement of the funds of the said corporation,

except such as shall be exclusively administered by the pastor and deacons, as provided in the rules and regulations of said corporation, and generally of providing ways and means by pew-rents, assessments upon sittings, and voluntary offerings, or either of them, as the said corporation shall determine, for the proper maintenance of public worship, and for carrying on the religious and benevolent work of said corporation.

6. The lot of land No. 1473 of the cadastre of Saint Antoine ward and book of reference, of said city of Montreal, purchased of E. S. Freer, Esquire, by the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, members of said corporation, and upon which land a church edifice is now in process of erection for the use of said corporation, shall be vested in the said corporation, upon the terms, and subject to the conditions of said purchase and to the hypothecs hereinafter specified. Present church property.

7. The obligation, passed before Charles Cushing, Esquire, notary public, on the 8th day of May 1867, to Dame Jane Redpath, and others, for the sum of twenty thousand dollars to enable the said corporation to construct said church edifice, shall be assumed by the said corporation upon the stipulations and conditions therein contained as a matter appertaining and beneficial to said corporation, to the full and entire exoneration of the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, parties to said obligation in their several private capacities as purchasers of said property as aforesaid ; but nothing in this act shall be held to interfere with, or to alter the personal security of the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, to the said Dame Jane Redpath and others. Responsibility of corporation. Proviso.

8. The obligation passed by the said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, to Edward Evans, Esquire, accountant, executed before John Carr Griffin, Esquire, notary public, on the nineteenth day of October, 1876, for the sum of four thousand and five hundred dollars loaned to the said corporation for the purchase of an organ for the use of said corporation in public worship, shall also be assumed by said corporation to the relief and exoneration of said Henry Lyman, John S. McLachlan and Robert Dunn, Esquires, in their private capacities as aforesaid, but nothing in this act shall be construed to interfere with or to alter the personal security of the said debtors to the said Edward Evans, Esquire. Item Proviso.

General regulations.

9. The said corporation shall have power to make rules and regulations for the good government and management of the whole of its religious and temporal affairs, which, however, shall have no force or effect until they shall be confirmed by the said corporation at an annual or general special meeting called for the purpose; and by such rules and regulations provision may be made for the management of the financial concerns of the corporation, the conduct and duties of the officers of the corporation, the hearing and decision of complaints against members, the mode of dealing with such complaints by censure, reproof or expulsion, or in such other manner as is usual among members of Evangelical Congregational Churches.

Confirmation thereof required.

Also, the mode of giving notice of meetings of the said corporation and all details of every nature and kind whatsoever, for the management of the said corporation, and such rules and regulations may be repealed and altered from time to time and new rules and regulations made, which, however, shall be suspended, as to their effect, until confirmed at an annual or other general meeting of said corporation as is hereinbefore provided; but such rules and regulations shall not be contrary to law or to the several provisions herein contained.

General meetings.

10. An annual general meeting of the members of said corporation shall be held on the third Monday in the month of January of each year, at which the trustees shall present the account of receipts and expenditure of the said corporation, made up to the end of the month of December.

Reports.

The other officers and committees shall present to the corporation reports of proceedings for the previous year; and the several elective officers and committees shall be appointed.

Report to legislature.

11. The trustees of the said corporation shall, at all times, when thereunto required by the lieutenant-governor or by either branch of the legislature of the province of Quebec, make a full return of the immovable property of said corporation and of its receipts and expenditure in respect thereof, with such details and other information as the lieutenant-governor or either branch of the legislature may require.

Act in force.

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