

**No. 37647**

The within Instrument was duly registered in the Registry Office for the County of Oxford this 27<sup>th</sup> day of February A.D. 1867 at the hour of 11o'clock and 43 mins a.m. in Liber "A" for Ingersoll.

Sgd C.H. Whitehead, Deputy Registrar

I certify that I have compared the within copy with the Original Instrument as recorded in this Office and find the to be true and correct. Given under my hand and seal of office at Woodstock this 3<sup>rd</sup> day of September A.D. 1932.

Sgd: Mark Rowe, Deputy Register

**ORIGINAL**

James R. Benson et ux (and wife)

----- TO -----

The Trustees of the Regular Baptist Church of Thames Street, Ingersoll

INDENTURE

Of

Bargain & Sale

Dated 29<sup>th</sup> day of January A.D. 1867

Fee: 4.60

County of Lincoln, to wit: I **John Murray Wallace** of the Town of Saint Catharines in the County of Lincoln, Clerk make oath and say:

First – That I was personally present and did see the Indenture of Bargain and Sale on which this Affidavit is endorsed, and the duplicate thereof, duly executed, signed, sealed and delivered by the therein-named **James Rea Benson** and **Mary Anne Benson** his wife; and that **James Rea Benson** and **Mary Anne Benson** are personally known to me.

Second – That the said Instrument, together with its duplicate, were so executed as aforesaid in the Town of Saint Catharines in the County of Lincoln on the day they bear oath.

Third – That I am a subscribing Witness to the same, and that my name, place of residence, and calling are correctly set forth above.

Sworn before me at the Town of Saint Catharines in the County of Lincoln this 29<sup>th</sup> day of January A.D. 1867

Sgd: **John M. Wallace**

Sgd: **Chas. J Benson**

A Commissioner in B.R. &c., in and for the County of Lincoln

**Re: (Town of Ingersoll) Lot #13**

This Indenture made the twenty-ninth day of the month of January in the year of our Lord one thousand eight-hundred sixty-seven in pursuance of the Act to facilitate the conveyance of Real Property.

Between **James Rea Benson**

Of the Town of Saint Catharines in the County of Lincoln in the Province of Canada of the First Part; and **John Sheard** of the Township of North Oxford in the County of Oxford and Province aforesaid Yeoman, **Moses Cockburn Clark** of the Township of West Oxford in the County and Province aforesaid Yeoman and **Andrew Bodwell** of the Township of Dereham in the County and Province aforesaid Esquire, Trustees nominated and appointed for the purpose hereinafter mentioned, under and by virtue of the Acts of Provincial Parliament hereinafter referred to, of the Second Part; and **Mary Anne Benson** wife of the said party hereto of the First Part, of the Third Part:

Whereas, by an Act of Provincial Parliament of the Province of Upper Canada, made and passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Relief of the Religious Societies therein mentioned" and also by another Act of the said Parliament of the said Provincial of Upper Canada passed in the Third Year of the Reign of Her present Majesty Queen Victoria, entitled "An Act to amend an Act passed in the Ninth Year of the Reign of King George the Fourth, Chap. 2<sup>nd</sup>, entitled, 'An Act for the Relief of the Religious Societies therein mentioned' " – certain powers and privileges are conferred upon the Religious Societies therein enumerated, to enable them to appoint Trustees in perpetual succession, for the purpose of holding land for any of the uses in the said Acts mentioned. And whereas, a Religious Society or Congregation of Baptists (called by the first-mentioned Act Anabaptists), have occasion for the tract or parcel hereinafter described, and hereby bargained and sold, or intended so to be, for the site of a Chapel, and the support of Public Worship, and the propagation of the Christian Religion; and have, in order to avail themselves of the provisions of the said Acts, appointed the aforesaid **John Sheard, Moses Cockburn Clark and Andrew Bodwell** to be Trustees, by the name of the **Trustees of the Regular Baptist Church of Thames Street Ingersoll** for the purpose of taking this present conveyance of the said lands, and holding and possessing the same for the use of the society before mentioned. And whereas the said **John Sheard, Moses Cockburn Clark and Andrew Bodwell** as such Trustees, as aforesaid, have contracted with the said **James Rea Benson** for the absolute purchase of the parcel of land and hereditaments hereinafter described, and the inheritance thereof in fee simple, at and for the price of Three Hundred and Seventy-five dollars. And it has been agreed that this conveyance shall be executed in manner hereinafter written:

Now, this Indenture witnesseth, that for and in consideration of the premises, and also of the sum of Three Hundred and Twenty five dollars of lawful money of the Province of Canada, by the said parties of the Second Part in hand well and truly paid unto the said party of the First Part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed, and by these presents Do give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said parties of the Second Part, as Trustees as aforesaid, and their succession in office, All and singular that certain parcel or tract of land and premises, situate lying and being in the Town of Ingersoll County of Oxford and Province of Canada containing by admeasurement one sixth of one acre be the same more or less, being known as Town Lot **Number Thirteen** on the east side of Thames Street at it's intersection with Canterbury Street as laid down on a certain map or plan of the said Town of Ingersoll made by **W.G. Wonham Esquire PLS** and deposited in the Registry Office for the said County of Oxford.

But, nevertheless, upon the special trust that the same shall be forever hereafter held and enjoyed for the use of the members of a Regular Baptist Church which Church shall be exclusively composed of persons who have been baptized by immersion, or on personal profession of their faith in Christ, and who hold and maintain the following doctrines, namely; - the divine inspiration of the scriptures of the Old and New Testament: the existence of one only living and true God, sustaining the personal relations of Father, Son and Holy Spirit, the same in essence and equal in attributes: The total depravity of the human family and the only way of escape from this state of guilt and ruin through the perfect obedience and expiatory sufferings of Jesus Christ: the election and effectual calling of all God's true people. Justification through Christ in the imputed righteousness of Christ: The final perseverance of all the people of all the people of God: The resurrection of the dead, both just and unjust: the final judgement: the eternal punishment of the wicked, and the eternal salvation of the righteous: That believers are the only subjects of baptism: That immersion in water in the name of the Father, Son and Holy Ghost is the only Gospel baptism: that the communion of the Lord's Table should be holden to those only who have been so immersed and who themselves thus practice: And moreover, that a Gospel Church is a number of baptized believers voluntarily associated together to maintain the worship of God, acknowledging no head but Christ, and no religious authority but His word. And the said Trustees and their successors in office shall at all times hereafter permit any minister or preacher (he being duly authorized by the said Church to conduct the worship thereof) to officiate in the Chapel or Meeting-house existing, or which may be hereafter erected on the said parcel or lot of land, before described, according to the rules, regulations and discipline of said Churches. And shall also apply the rents or profits derived from any portion of said lot or parcel of land, or the buildings erected thereon, toward the maintenance of public worship in the said Chapel or Meeting-house according to the rules and regulations aforesaid, or towards the repair and improvement of the said property, and to no other purpose whatsoever.

And it is hereby further declared, that the full number of Trustees shall continue to be SIX, of whom four shall be a quorum, and that when any one or more of the said above-named Trustees, or of their successors in office, shall die, or shall be incapacitated to act in the Trust, they or any of them removing from the country, or uniting with another denomination of Christians, or shall resign, or shall be discharged from office by the said Church by a two-thirds vote of the members present at any regular

Church; Then and in that case, the place or places in the said Trust so vacated, shall be supplied by the said Church, at any regular business meeting by them held, of which one week's public notice shall have been given, on an open two-thirds vote of the members present; Provided always, that no person or persons shall be appointed to fill such vacancies who is not a member in good standing in said Church. And it is also appointed to fill such vacancies who is not a member in good standing in said Church. And it is also declared that the Church aforesaid shall at all times have power to discharge from the said Trust any of the said Trustees, whenever it may be necessary so to do for any good and reasonable cause, of which cause or causes they shall always be competent judges. Declaring also, that when it shall be deemed requisite to discharge any of the above named Trustees, or their successors in office, from the said Trust hereby created the meeting for that purpose shall be called, and the proceedings thereof conducted, and the decision arrived at, by the said majority of two-thirds of the members present at said meeting, as above provided for the election of a new Trustee or Trustees; Declaring further, that the discharge of an existing Trustee, or existing Trustees may be proceeded with at the same meeting, providing due notice in manner above specified be given of such intention; And it is hereby further declared, that a minute of such meeting shall be engrossed in the Church book by the Church Clerk, which minute shall be sufficient evidence of such discharge and election aforesaid.

And it is hereby further provided and declared, that in case at any time or in times hereafter the said Church for which this trust is created shall loose it's visibility and cease to exist, then the power hereby vested in such Church for the appointment of successors to the said before-named Trustees, or for the removal of said Trustees from office as before provided, shall become vested in the nearest Regular Baptist Church holding the doctrines before particularly specified: And further declaring that during the non-existence of any such Regular Baptist Church of Thames Street Ingersoll, as aforesaid, and during the time that the appointment of said Trustees shall be vested in the said nearest Regular Baptist Church, the said Trustees shall be under obligation to open the said Chapel or Meeting-house for regular or occasional services, to any Minister or Missionary of the Regular Baptist denomination holding and maintaining the sentiments in doctrine and practice before particularly specified, and who shall be in communion with a Church of the same faith and order: and also further declaring that the said powers for the removal and appointment of said Trustees shall be exercised by such nearest Regular Baptist Church only so long as no Church shall meet or be desirous of meeting in the Chapel or Meeting-house now existing or hereafter to be erected on the land before described: And also declaring that on the re-organization of a Church composed of persons in the position, and holding and maintaining the doctrines and practice before particularly specified and desiring to occupy the Chapel or Meeting-house aforesaid, the rights, privileges and duties in connection with the Trust hereby created shall, ipso facto, without any legal process whatever, revert and return to said re-organized church and be held and be exercised by them in the same manner, and under the same rules as before provided for the said Church now existing.

To have and to hold the said parcel or tract of land hereditaments and all and singular other the premises hereby bargained and sold, or intended so to be, with their and every of their rights, members and appurtenances, unto the said parties of the Second Part as Trustees as aforesaid, and their successors in office forever: And the said party of the First Part covenants with the said parties of the

Second Part that he has the right to convey the said lands to the said parties of the Second Part, notwithstanding any act of him, the said party of the First Part. And that the said parties shall have quiet possession of the said lands free from all incumbrances. And the said parties of the First Part covenants with the said parties of the Second Part that he will execute such further assurances of the said lands as may be requisite. And the said party of the First Part covenants with the said party of the Second Part that he has done no act to encumber the said lands. And the said party of the First Part covenants with the said party of the Second Part, and hereby releases all his claims upon the said lands.

And the said **Mary Anne Benson** wife of the said party of the First Part, hereby bars her Dower in the said lands.

In Witness whereof, the said parties hereto have hereunto set their Hands and Seals the day and year first above written.

Signed, Sealed and Delivered

(in duplicate), in presence of | (Sgd) **James R. Benson** [seal]

(Sgd) **John M. Wallace** | (Sgd) **M. A. Benson** [seal]

(Sgd) **I. Bailey Benson**