

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 75

An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Religion and for the obviating certain inconveniences to which others of His Majesty's Subjects might otherwise be exposed.

14th March, 1829. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

1 November, 1830. Assented to by His Majesty in His Council.

18th January, 1831. The Royal Assent signified by the Proclamation of His Excellency the Administrator of the Government.

Whereas serious inconveniences are experienced by persons professing the Jewish Religion, being British Subjects resident in this Province, from their disability under the existing Laws to have and keep authentic Registers of the Births, Marriages and Burials, occurring among them, which disability may injuriously affect the interests of others of His Majesty's Subjects throughout the Province, and particularly those of such persons as may derive their titles to real property from persons so professing the Jewish Religion; and whereas it is expedient that there should be in each of the Districts of this Province, fit and proper places of Worship and of Burial, for the use of such persons:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the Prothonotaries of the Courts of King's Bench for the Districts of Quebec, Montreal and Three-Rivers [Trois-Rivières], respectively, shall, immediately after the passing of this Act, open and keep, in each of the said Districts, a Register to remain of record, wherein any person residing in the District in which such Register shall be kept, being a British Subject, professing the Jewish Religion, and above the age of twenty-one years, may inscribe his name, age, addition and place of residence, after oath by him made before the said Prothonotaries or any of them that he believes himself to be of the full age of twenty-one years, and that he is a British Subject, professing the Jewish Faith.

II. And be it further enacted by the authority aforesaid, that when and so soon as fifteen persons shall have been so enregistered, it shall and may be lawful for any Justice of the

Court of King's Bench, or Judge of the Provincial Court as the case may be upon Petition to that effect to him made by seven persons so enregistered in his District, and such Justice is hereby required upon such Petition to convene a public meeting of all persons so enregistered within his District, to be held in the Chief City or Town thereof, and at such place therein and at such time as the said Justice shall deem it adviseable to appoint, and to name some Justice of the Peace for the said District to preside at such meeting and to make his return of the proceedings thereat to the Prothonotary of the Court of King's Bench for the said District, or Prothonotary of such Provincial Court as the case may be; Provided always that the day on which such meeting shall be held, shall not be more than sixty nor less than thirty days after the time at which the said Petition shall have been presented: and that due notice of such meeting shall be given by inserting such notice during two weeks in such public Newspaper as the said Justices may appoint, or if no Newspaper be published in his District in such manner as the said Justices shall order.

III. And be it further enacted by the authority aforesaid, that at such meeting it shall be lawful for the persons so enregistered in the District, in which such meeting shall be held, and then and there present, to elect by a majority of their votes five persons from among such persons as shall have been so enregistered in the same district as themselves, to be Trustees for the purposes hereinafer mentioned, which persons shall be returned as such Trustees by the Justice of the Peace presiding at such meeting in his official return of the proceedings had at such meeting as before directed.

IV. And be it further enacted by the authority aforesaid, that, when the said number of Trustees shall have been so elected as aforesaid, they shall by a majority of their votes elect a Chairman from among themselves, and shall in like manner elect a Secretary and Treasurer

V. And be it further enacted by the authority aforesaid, that when and so soon as such Election and Return shall have been so made, the Prothonotary shall make an entry in the Register by him kept as aforesaid, setting forth that such Election was made in pursuance of this Act, and the time and place thereof, together with the names, additions and places of residence of the Trustees so elected; and that when and so often as any of the said Trustees shall die, leave the District or resign such trust, the election of so many others as may be required to complete the said number of five shall be proceeded to and recorded in the manner herein before provided, save and except that at such election the Chairman, or the oldest of the Trustees shall preside and shall make his return of the proceedings at such election in the manner herein before prescribed, Provided that no Trustee shall remain in office longer than five years.

VI. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Trustees so elected and returned as aforesaid, to purchase and hold or to acquire have and hold by devise donation or otherwise, for the purposes hereinafter set forth, in any part of the District, for which they shall have been so elected and returned, a Lot or Lots of Ground not exceeding in the whole the quantity of five Arpents in superficial content, and to appropriate any part of the said Lot or Lots as a Burial Ground, and to erect on any part of

the same a Synagogue or place of Worship, and a House for the residence of a Minister of the Jewish Religion.

VII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, every minister of the Jewish Religion acting as such within the Province, being previously licenced by the Governor, Lieutenant Governor, or person administering the Government for the time being, shall, keep a Register in duplicate of all Marriages and Burials performed by him, and of all Births which he may be required to record in such Register by any person professing the Jewish Religion, and that all the Provisions of a certain Act passed in the thirty-fifth year of the reign of His late Majesty King George the Third, chapter four, intituled, "An Act to establish the form of Registers of Baptisms, Marriages and Burials, and to conform and make valid in Law the Register of the Protestant Congregation of Christ Church, Montreal, and others which may have been informally kept, and to afford the means of remedying Omissions in former Registers," shall be and the same are hereby extended to all Registers hereafter to be kept by virtue of this Act. Provided, that before any Minister of the Jewish Religion shall be admitted to keep the Register as afore mentioned, he shall be required to present a, Petition to the Governor, Lieutenant Governor or person administering the Government for the time being, subscribed by the Chairman and Trustees of the District for which he is to act, setting forth his name and addition and praying to be licensed to keep a Register for the District therein mentioned, and it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government for the time being to grant the prayer of the Petition if he shall see fit, and to issue his Licence under his hand and seal to the said Petitioner to have and keep Registers for the purposes aforesaid, any law usage or custom to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, that all provisions of the said last mentioned Act, concerning such Registers as may have been informally kept, as well as those concerning the Omission of any matter which ought to have been recorded in any such Register, shall be and the same are hereby extended to such Registers as may heretofore have been kept by any Minister of the Jewish Religion, officiating in this Province.

IX. And be it further enacted by the authority aforesaid, that all persons of the Jewish Religion, may within three months next after the election of the said Trustees, cause the birth of their children, or their death to be enregistered with the same effect to all intents and purposes, as if the same had been done at their birth or death.

X. And be it further enacted by the authority aforesaid, that all Registers which shall hereafter be kept by any Minister of the Jewish Religion in this Province, according to the Provisions of the Act last above mentioned, as well as all certified copies of the entries made therein or in the Registers kept by any Minister of the said Religion, officiating in this Province, before the passing of this Act, or any document legally establishing the omission of any entry which ought to have been made in such Registers, shall to all intents and purposes have the same legal effect, as the Register or extract (extrait) of any Register kept by any Priest or Rector of the Roman Catholic Church, or by any Minister of the Protestant Church

in this Province, in pursuance of the said last mentioned Act; Provided always that the Regulations and Requirements of the said Act shall in all respects have been complied with.

XI. Provided always and be it further enacted by the authority aforesaid, that all Ministers of the Jewish Religion, obtaining and keeping Registers by virtue hereof, shall be governed by the Provisions of the Act last above mentioned, and that they or any other person who shall in any wise neglect or refuse to comply with the requirements of the said Act, shall be liable to the same pains and penalties as are therein in like cases provided, and that any penalties so incurred shall be recoverable, paid, applied and accounted for in the same manner as the penalties by the said Act imposed are thereby directed to be recovered, paid, applied and accounted for.

XII. And be it further enacted by the authority aforesaid that this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices and Courts in this Province without being specially pleaded.