

The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 58

An Act for the Relief of certain Religious Congregations therein mentioned.

26th March, 1830. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

31st January, 1831. Assented to by His Majesty in His Council.

29th April, 1831. The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Whereas religious societies of various denominations of Christians find difficulty in securing the titles of land requisite for the site of a church, meeting-house, chapel, burial-ground, dwelling-house for a priest, minister or religious teacher, or for a school-house, for want of a corporate capacity, by means of which they might have and hold the same forever; and whereas it is expedient to provide some safe and adequate relief in such cases; 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 declared and enacted by the authority of the same, that whenever any Religious Congregation or Society of Christians shall have occasion to take a conveyance of land for any of the uses aforesaid, it shall and may be lawful for them to appoint Trustees, to whom and to whose successors, to be appointed in such manner as shall be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed, and such Trustees and their successors in perpetual succession, by the name to them given and expressed by and in the said deed of conveyance shall be capable of taking, holding and possessing such land, and of commencing and maintaining any action or actions at law for the protection of the land so conveyed or concerning in any way their rights and property therein.

II. And be it further enacted by the authority aforesaid, that no more than eight arpents of land in superficies, shall be held in trust for the purposes and in the manner aforesaid, for the use of any one Congregation; Provided always, that the land to be held in trust as aforesaid in cities, towns and boroughs shall not exceed one half of an arpent in superficies.

III. Provided always and be it further enacted by the authority aforesaid, that each of the said congregations respectively, shall not purchase more than one such piece of ground in any one parish or township. Provided always, that the lot or lots to be acquired by virtue of this Act within the limits of either of the Cities and Towns of Quebec or Montreal, as the said Cities and Towns are bounded and described in the Proclamation issued by His Excellency ALURED CLARKE, Esquire, Lieutenant Governor of this Province, bearing date the seventh day of May, one thousand seven hundred and ninety-two, shall not be used as a Burial Ground.

IV. And be it farther enacted by the authority aforesaid, that such Trustees shall within twelve months after the execution of any such deed of conveyance, cause the same to be enregistered in the office of the Prothonotary of the Court of King's Bench for the district in which the land so conveyed may lie, for which enregistration the said Prothonotary shall be entitled to a fee not exceeding six pence currency for every hundred words, and no more.

V. And be it further enacted by the authority aforesaid, that all conveyances made before the passing of this Act, for all or any of the purposes thereof, shall be good and valid in law, in like manner as if the same had been made after the passing of this Act; Provided always that such conveyance shall have been so enregistered within twelve months after the passing of this Act; And provided also that the whole extent of land so held shall not in any case exceed the number of arpents before mentioned, for the use of any one congregation.

VI. And be it further enacted by the authority aforesaid, that in all places where parishes are not established by competent authority, it shall be lawful for the persons professing the Roman Catholic Religion to hold, possess, and take conveyance for similar purposes in the same manner and with the same powers as provided by the preceding Clauses, of land not exceeding the aforementioned extent, on their conforming in all respects to the provisions of this Act: Provided always, that no such conveyance of land shall be made or taken unless the said land shall be situated at a distance of not less than two leagues from the Church of a parish legally established, and of at least an equal distance from any other land before acquired by Roman Catholics, in the same manner and for the same purposes in virtue of this Act: Provided also, that whenever a parish may be legally established, which shall contain within its limits one of the lots of land so held by virtue of this Act, then the said land shall become the property of such parish, and be and remain under the administration of the fabrique of such parish.

VII. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall weaken, diminish, extinguish or affect, or be construed to weaken, diminish, extinguish or affect, in any manner or way whatsoever, the rights or privileges of His Majesty, His Heirs or Successors, or of any Seigneur [Seigneur] or Seigniors, or of any person or persons, body politic or corporate whatsoever, save and except such rights as are in this Act expressly altered and affected, but that His Majesty and all and every Seigneur or Seigneurs, and other persons, bodies politic and corporate, shall have and exercise the same rights, (except as

aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, in as ample a manner as if this Act had never been passed.