

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1841. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 3

An Act relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish. Passed 19th March 1841.

'Whereas in and by an Act made and passed in the sixth year of the Reign of His Majesty King William the Fourth, intituled "An Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John; and to extend such regulations to other Parishes where the sittings in the Church may be free and open," it was enacted, "That the Church Wardens and Vestry of the said Church so soon as they might be duly elected and chosen, pursuant to the provisions of the said Act, together with the Rector of the said Church for the time being, and their respective Successors, for ever, should be a body Politic and Corporate in deed and name, and should have succession for ever, by the name of the Rector, Church Wardens and Vestry of Grace Church in the Parish of Portland," and it is also further enacted, " That Grace Church should be deemed and taken to be the Parish Church of the said Parish of Portland, until the said Rector, Church Wardens and Vestry should have erected another Church instead thereof, and the same should be duly consecrated to that purpose, and opened for Public Worship, according to the Rites and Ceremonies of the Church of England, and in case of the erection of such other Church, all the provisions of the said Act should extend and be construed to extend to the said new Church, in as full and ample a manner as if the same were particularly re-enacted and applied to such new Church:" And whereas since the passing of the said Act, another large and commodious Church has been erected within the said Parish, and has been recently consecrated, and is now used for Public Worship by the name of "Saint Luke's Church," the expense of which has been partly defrayed by private subscription, but it was found necessary, in order to raise sufficient funds for completing the same, and for making a regular provision for the support of the Minister or Rector of the said Parish to dispose of Pews in the said Church, subject to the payment of Annual Rents, as is done in the Parish of Saint John, and in the other Parishes of the Province, reserving however free seats for the accommodation of poor persons to the number of two hundred and fifty at least, in consequence whereof the provisions of the said recited Act have become inapplicable to the said Parish of Portland, and it is expedient that the Parish of Portland and Church Corporation therein be placed on the same footing, and elected in like manner as those in other Parishes: And whereas the Rector, Church Wardens and Vestry of Grace Church, together with many other Parishoners of the said Parish have, by their Petition to the General Assembly prayed, that an Act may pass for the purpose above mentioned, which Petition has received the sanction of the Lord Bishop of the Diocese, and of the Archdeacon of the said Province: And whereas it is expedient that the said recited Act should be repealed;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Act, intituled "An Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes, where the sittings in the Church may be free and open," shall be and the same is hereby repealed.

II. And be it further enacted, That the said Church called Saint Luke's Church, shall and is hereby declared to be the Parish Church of the said Parish, and that the Rector of the said Parish duly constituted and appointed together with the Church Wardens and Vestry of the said Church, so soon as they may be duly elected and chosen pursuant to the Acts in force relative to the election of Church Wardens and Vestrymen, and their respective Successors for ever, shall be a body Politic and Corporate in deed and name, and shall have succession for ever by the name of the "Rector, Church Wardens and Vestry of Saint Luke's Church in the Parish of Portland."

III. And be it further enacted, That all debts due and owing to the Rector, Church Wardens and Vestry of Grace Church in the said Parish of Portland, shall be paid to and may be recoverable by and in the name of the Rector, Church Wardens and Vestry of Saint Luke's Church aforesaid, in the same manner as if the said debts had been contracted with them; and all Property Real and Personal of the said Corporation of Grace Church, shall become vested in the said new Corporation, and shall be holden henceforth by them in the same manner as the former Corporation could have held the same; and that the said new Corporation shall be liable to the debts, contracts and engagements of the old Corporation, and the said new Corporation shall be deemed the lawful Successors of the said old Corporation.

IV. And be it further enacted, That all purchase or preference monies and Rents due or to become due for Pews or Sittings in Saint Luke's Church, upon and by virtue of the sales by Auction or Private Bargain to any person or persons, shall be payable to, and may be recoverable by and in the name of the said Rector, Church Wardens and Vestry of Saint Luke's Church, in the same manner as if the Contracts had been made with them; and that in default of such payments, the said Rector, Church Wardens and Vestry may sue for the same or proceed to a forfeiture of the said Pews and Sittings, according to the rules or conditions under which the Sales or Contracts were originally made: Provided always, that at least two hundred and fifty free sittings for poor persons shall always be left in the said Church.

V. And whereas in and by a certain Indenture bearing date the sixteenth day of April, in the year of our Lord one thousand eight hundred and forty, duly executed, acknowledged and registered, James White of the City of Saint John, in the Province of New Brunswick, Esquire, and Elizabeth, his Wife, for certain consideration therein mentioned, did grant, bargain and sell unto the Church Corporation of the said Parish, by the name of the Minister, Church Wardens and Vestry of Grace Church, in the Parish of Portland, in the County of Saint John, in the said Province, their Successors and Assigns, all that certain lot, piece, and parcel of land, situate lying and being in the said Parish of Portland, bounded and described as follows: That is to say, beginning at a stake and stones at the intersection of the Northern line of the old Indian Town Road, so called by a prolongation of the line running North fifteen degrees East or thereabouts, dividing the Lands formerly owned and occupied by the Honorable William Hazen, from the Lands formerly owned and occupied by the late James White, Esquire, thence from the said stake and stones, Northerly by the said prolongation of the said dividing line, till it meets the South Westerly side line of the Queen's Land at Fort Howe, thence by the said last mentioned line, North Westerly till it meets the dividing line between the Land of the said James White, Esquire, the grantor in the said deed, and the Land of

James Peters, Esquire, thence Southerly by the said last mentioned dividing line, to the Northern line of the said old Indian Town Road, thence by the said line of the said Road, Easterly to the place of beginning, together with all buildings and improvements thereon, and all the rights,, members and appurtenances thereto belonging, to have and to hold the same unto the said Minister, Church Wardens and Vestry, their Successors and Assigns, to their only proper use and behoof for ever; Be it further enacted, that the said deed and conveyance, and the Estate thereby granted, bargained and sold, shall be deemed good, valid and effectual, notwithstanding the mistake in the name of the Corporation, and to have vested the Title therein and thereto in the Rector, Church Wardens and Vestry of Grace Church; and upon their dissolution by virtue of this Act to be and to become vested in the Rector, Church Wardens and Vestry of Saint Luke's Church, and their Successors in the same manner as any other property of the said Rector, Church Wardens and Vestry of Grace Church.

VI. And whereas, the object of the Church Corporation in making the purchase of the said lot of Land in the next preceding Section mentioned, was to erect and build thereon a School House, which has been partially accomplished; and it has been considered advisable that such School should be conducted upon the Madras system, but in order to effect this, it may become necessary to assign and convey the same to the Governor and Trustees of the Madras School in New Brunswick; Be it enacted, that the said Rector, Church Wardens and Vestry of Saint Luke's Church, and their Successors, shall be fully authorized and empowered to make sale and conveyance of the said lot of Land and School House thereon to the said Governor and Trustees of the Madras School and their Successors, in trust, nevertheless, for the purpose of a School in the said Parish, to be considered a Branch of the Provincial Madras School, and for no other use or purpose whatsoever; and upon this condition, that if such School shall not be established and commence within two years from the passing of this Act, or if after being established it shall be discontinued for any time or term, together exceeding one year, or shall not be continued and kept in operation for at least six months in every year after the expiration of the said two years, the said Land and School, and all the estate, right, title and interest therein, shall revert and become reinvested in the said Rector, Church Wardens, and Vestry of Saint Luke's Church, and their Successors in the same manner as if the same had not been conveyed to the said Governor, and Trustees of the Madras School.

VII. And be it further enacted, That this Act shall continue and take effect on Easter day being the eleventh day of April next.