

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 17

An Act to provide for the management of the temporalities of the Church of England in this Province in certain cases. Passed 11th April 1846.

Whereas several Churches have been erected in this Province, and duly consecrated according to the rites and ceremonies of the Church of England, in which the pews or sittings for the congregation have been declared free and open, and it is believed that others will be erected upon the same principles: And whereas it is necessary to provide for the election of Church Wardens and Vestry in such Parishes, in order that the temporalities of the Church in such Parishes may be subject to competent management and control, and for other purposes herein mentioned;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Church Wardens and Vestry of every Church now or hereafter erected in the several and respective Parishes in this Province, in which the sittings for the congregation shall be free and open to all persons without any price or rent being paid therefor, and also of any Church already erected or hereafter to be erected in which the sittings shall not be free and open as aforesaid, in which the Rector, Church Wardens and Vestry thereof may, with the consent and approbation of all the Pew owners and occupants, to be signified in writing, declare the seats to be thenceforth free and open, so soon as they shall be duly elected and chosen pursuant to the provisions of this Act, together with the Rector of every such Church for the time being, and their respective successors forever, shall be a body politic and corporate in deed and in name, and shall have succession forever by the name of the Rector, Church Wardens and Vestry of the several and respective Churches to which they belong, and as such shall have a Common Seal, and be entitled to break or renew the same, and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

II. And be it enacted, That every male person of the age of twenty one years or upwards, resident in the Parish in which such Church is situate, and being a communicant of such Church, or who shall have been, for at least six months of the year preceding the election of Church Wardens and Vestry, a stated hearer and attendant at the public worship of the said Church, and who shall have subscribed and actually paid the sum of twenty shillings or upwards in aid of the fund of the said Church for the year preceding the day appointed by Law for the annual election of Church Wardens and Vestrymen shall be entitled to vote in the choice of and shall be qualified to be chosen and elected Church Wardens and Vestrymen of the said Church.

III. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the erection of more than one Church Corporation of the said Church of England in any one Parish in this Province.

IV. And be it enacted, That all the power and authority granted to a Church Corporation by any Law in force in this Province, and all and every the clauses, enactments and provisions of an Act made and passed in the twenty ninth year of the Reign of King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestry of the Church of England in the several Parishes in this Province*, and of a certain other Act made and passed in the fifty sixth year of the same Reign, for explaining and amending the above recited Act, shall extend and be construed to extend to every Parish and Church Corporation erected under the authority of this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments and provisions herein particularly enacted, except so far as such clauses, enactments and provisions may be inconsistent with or contrary to the provisions of this Act.

V. And be it enacted, That in case of the death or absence from the Province of the respective Rectors of the said Churches for the time being, or where no Rector shall have been appointed, the Church Wardens and Vestry in such Parishes shall, during such vacancy or absence, have the full powers and authorities that are by Law given to the Rectors, Church Wardens and Vestry of such Churches respectively; and in all cases every act, matter or thing done or committed, and all suits or proceedings whatever brought or prosecuted by such Church Wardens and Vestry, shall be done, committed, brought or prosecuted in the name of the Rector, Church Wardens and Vestry of such Churches respectively.

VI. And be it enacted, That in each and every Parish in this Province where no Rector shall have been appointed, or when on the day provided by Law for the election of Church Wardens and Vestrymen for such Parish, there shall be no Rector in such Parish, or in cases where such Rector shall be absent from the Province, or unable to attend at such election, the persons qualified by this Act or any Law then in force to be elected Church Wardens and Vestrymen or to vote at such elections, shall and they are hereby authorized, notwithstanding such vacancy or absence, to assemble and meet together in such Parish and elect Church Wardens and Vestrymen; and that the persons so assembled shall and they are empowered to appoint a person to preside at such election for the more orderly proceeding thereat.