

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 72 (1846)

An Act to incorporate the Roman Catholic Bishop in New Brunswick. Passed 11th April 1846.

Whereas it is deemed just and expedient to incorporate the Right Reverend William Dollard, Roman Catholic Bishop in the Province of New Brunswick, for the purpose of enabling him and his successors to hold and acquire Real Estate in this Province for religious purposes;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Right Reverend William Dollard, and his successor and successors, being the Roman Catholic Bishop in the Province of New Brunswick, in communion with the Church of Rome, and being British born subjects, or duly naturalized, shall be and he is hereby declared to be a Body Corporate in his Diocese aforesaid, in deed and in name; and that the said William Dollard, and his successor and successors for the time being, by the name of The Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, shall by the same name have perpetual succession, and a Common Seal, and shall have power from time to time (by and with the advice of his Coadjutor and senior Vicar General, or of two Clergymen for the time being, as hereinafter mentioned,) to alter and renew or change such Common Seal at pleasure; and shall by the name as aforesaid from time to time and at all times hereafter be able and capable in law to have, hold, purchase, acquire, possess and enjoy, for the general use and uses, eleemosynary, ecclesiastical or educational, of the said Church of Rome in his Diocese, or of the religious community, or of any portion of the same community within his Diocese, any lands, tenements or hereditaments within the Province of New Brunswick; and the same Real Estate, or any part thereof, for the purposes aforesaid, from time to time, by and with the advice and consent hereinafter mentioned, to let or demise by Indenture under the Seal of the said Corporation, for any period not exceeding twenty one years from the day of the making thereof, provided that upon any such lease the rent shall be reserved and payable to the said Corporation yearly and every year during the continuance of the said lease; and that no such lease shall be made without impeachment of waste; and that no fine or sum in gross shall under any pretence whatsoever be taken for the same, beyond such yearly- rent so reserved as aforesaid, otherwise the said lease shall be utterly null and void to all intents and purposes whatsoever; and by the same name respectively, the said Roman Catholic Bishop, and his successor and successors, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered in all Courts of Law and Equity and places whatsoever, in as large, ample and beneficial a manner as any other Body Corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answered or be answered unto, in any manner whatsoever; provided always, that the lands and premises so to be holden by the said Corporation shall not at any time exceed the annual value of five hundred pounds in any one Parish in this Province; and further provided, that the rents and profits arising from any such lands and premises shall be applied for the uses and purposes of the Church or Churches within the Parish where such lands are situate, and not elsewhere.

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II. And be it enacted, That it shall be lawful for any person or persons within the said Diocese of the said Roman Catholic Bishop, in whom or in whose name or names any lands, tenements and hereditaments, situate, lying and being within the Province of New Brunswick, are now or shall or may be hereafter vested in trust or otherwise, for the benefit of the said Roman Catholic Church in the said Diocese, from time to time to convey, assign or transfer, by Deed under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said lands, tenements and hereditaments unto the Roman Catholic Bishop for the time being of the said Diocese, by his Corporate name aforesaid, to be holden by the said Bishop and his successor and successors in his said Corporate name aforesaid, for the purposes aforesaid, as provided by this Act.

III. And be it enacted, That it shall not be lawful for the said Bishop, or for his successor or successors for the time being, to make or execute any indenture of lease as aforesaid, of the lands, tenements and hereditaments acquired or held, or to be hereafter acquired by him under and by virtue of this Act, without the consent in writing of his Coadjutor and senior Vicar General, or in case the said Coadjutor or Vicar General, or either of them, shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two Clergymen to be selected or named by the Roman Catholic Bishop of the Diocese, such selection or nomination, and such consent to appear upon the face of the indenture or lease intended to be executed by the parties, and to be testified by the said Bishop and Coadjutor and senior Vicar General, or such two Clergymen as aforesaid, being made parties to and signing and sealing the said indenture of lease in the presence of two credible witnesses, as consenting parties thereto respectively.

IV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said Roman Catholic Bishop hereinbefore mentioned, or upon his successor or successors, or other ecclesiastical person of the said Church, in communion with the Church of Rome aforesaid.

V. And be it enacted, That in case the said Roman Catholic Bishop, or his successor or successors, shall from sickness, infirmity, or any other cause, become incapable of or be incapacitated from performing his or their duties in his Diocese, then his Coadjutor, or the person administering the Diocese, shall have the same powers as are by this Act conferred upon the Roman Catholic Bishop of the said Diocese.

VI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons whomsoever, or of any Body Politic or Corporate, or of any Church Wardens, or Auditors of Accounts, in any Roman Catholic Church in this Province, or in any way to abridge, diminish or take away any of the rights, privileges and advantages now enjoyed and possessed by any pewholder, or any person having any right, title or interest in any pew or sitting in any Roman Catholic Church or Chapel in this Province, such only excepted, as are hereinbefore mentioned and provided for.

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VII. And be it enacted, That this Act shall not come in force or be in operation until Her Majesty's Royal approbation be thereunto had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 6th day of July, 1846, and published and declared in the Province the 12th day of August, 1846.]