

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

16 Victoria – Chapter 12

**An Act to erect the Parish of Saint Mark in the City of Saint John for Ecclesiastical purposes. Passed 14th April 1853.**

Whereas the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many Members of the Church of England in the said Parish, have petitioned that so much of the said Parish as lies to the northward of the centre of Union Street should for all Ecclesiastical purposes be set off as a separate and distinct Parish, in order that a separate Rectory or Benefice may be there appointed, and the Chapel of Ease heretofore erected there by the said Rector, Church Wardens and Vestry of Trinity Church, may become the Parish Church of the said separate Parish: And whereas by a certain Indenture bearing date the nineteenth day of May in the year of our Lord one thousand eight hundred and twenty three, duly executed, acknowledged and registered, and made between the late Honorable Ward Chipman, Esquire, of the one part, and the said Rector, Church Wardens and Vestry of Trinity Church of the other part, the said Ward Chipman for the considerations and purposes therein mentioned, did grant, bargain, sell, alien, release and confirm unto the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, their successors and assigns, all that certain lot, piece and parcel of land situate, lying and being in King's Ward, in the said City and Parish of Saint John, and bounded and described as follows, that is to say:— Beginning at a point where the western line of Wellington Street meets the northern line of Carleton Street, thence running northerly on a prolongation of the said western line of Wellington Street one hundred feet, thence easterly on a line parallel with Carleton Street one hundred and five feet, or until it meets the western line of a lot of land heretofore sold and conveyed by the said Ward Chipman to Walter Lecain, thence running southerly, following the said western boundary of Lecain's lot, until it meets the said northern line of Carleton Street, to the place of beginning, making a lot of one hundred feet by one hundred and five feet, more or less, together with all and singular the rights, members and appurtenances to the same belonging or in any wise appertaining, to have and to hold the said lot of land and premises thereby granted, bargained and sold or mentioned or intended so to be, unto the said Rector, Churchwardens and Vestry, and to their successors and assigns forever, but nevertheless on the conditions, and to and for, and upon the use, interests and purpose, and subject to the proviso hereinafter contained, as by reference to the said Indenture duly registered in the Office of the Register of Deeds in and for the City and County of Saint John, reference being thereunto had will more fully and at large appear; upon which said lot of land the said Rector, Church Wardens and Vestry of Trinity Church have erected a Church or Chapel of Ease, called and known by the name of "Saint John's Church," and which Church is with their assent to become the Parish Church of the said new Parish of Saint Mark to be erected by this Act: And whereas it

appears expedient and proper, as well from the increase of the population, as from divers other good causes and considerations, that the prayer of the said Petitioners should be complied with;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. From and after the first Monday in May in this present year, that part of the said Parish of Saint John, in the City of Saint John, which lies to the northward of a line running east and west through the centre of Union Street, and of the easterly and westerly prolongation of such line to the boundary lines of the City, shall be and the same is hereby declared to be from and after the said first Monday in May next, a separate and distinct Parish within the said City of Saint John, for all matters and purposes Ecclesiastical or relating to the Church of England, by the name of The Parish of Saint Mark in the City of Saint John, and that the said Church or Chapel of Ease, called or known by the name of Saint John's Church, shall be deemed and taken to be the Parish Church of the said Parish of Saint Mark, and that the Church Wardens and Vestry of the said Parish, so soon as they may be duly elected and chosen, together with the Rector for the time being, of the said Parish of Saint Mark, and their respective successors for ever, shall be a body politic in deed and in name, and shall have succession for ever by the name of The Rector, Church Wardens and Vestry of Saint John's Church in the Parish of Saint Mark, in the City of Saint John.

2. The Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark aforesaid, shall and may on and from the said first Monday in May next, and forever thereafter, stand seized of, have, hold, possess, and enjoy the said lot of land and premises, with the appurtenances so granted and conveyed as aforesaid, by the said Ward Chipman, together with said Church or Chapel of Ease thereon standing and being, together with all and singular the rights, members, privileges and appurtenances to the same and every part and parcel thereof belonging, or in any wise appertaining, in like manner, and to all intents, uses and purposes, as the said Rector, Church Wardens and Vestry of Trinity Church, might or could before the passing of this Act have held or enjoyed the same by virtue of the said indenture, or otherwise howsoever; subject nevertheless to such legal and equitable lien or claim as the person or persons having and holding the bonds or other securities at present existing under the Seal of the said Rector, Church Wardens and Vestry of Trinity Church, may or can have upon the rents, issues and profits of the Pews in the said Church or Chapel of Ease, in the event of the other property now belonging to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, being at any time hereafter found insufficient to discharge the same, and subject also to the payment of the sum of one thousand pounds, with interest thereon half yearly, to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, us hereinafter mentioned.

3. Two Church Wardens, and not more than twelve Vestrymen for the said Parish of Saint Mark, shall be elected and chosen by ballot on the said first Monday in May in this present year, and after the present year, on Easter Monday in each and every year, who shall continue in office until others shall be chosen in their stead.

4. Owners of Pews in the respective Parish Churches of the said Parishes of Saint John and Saint Mark, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected and chosen Church Wardens and Vestrymen of the said Parishes respectively; provided that no person shall be eligible as a Church Warden or a Vestryman unless he shall be a member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the Public Worship of the same; and provided also, that the ownership of a Pew in the Parish Church shall not entitle more than one person to vote in respect of said Pew at any election.

5. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, in the City of Saint John, shall within two months after the passing of this Act, make and execute under their Common Seal a bond or obligation to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, in the penal sum of two thousand pounds of lawful money of this Province, under and subject to a condition for payment to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, of the sum of one thousand pounds on or before the first day of January which will be in the year of our Lord one thousand eight hundred and seventy three, with lawful interest thereon, half yearly, on the first days of January and July in each and every year, until the said principal sum of one thousand pounds shall be fully paid, the first payment of such interest to be made on the first day of July next.

6. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, shall have full power and authority in their own name or otherwise, to ask, demand, sue for, recover and receive, and likewise to take and use all other due and lawful means to enforce the payment of all rents for Pews in the said Church or Chapel of Ease due and in arrear, and payable on the first day of January last, and shall within one year after the passing of this Act, account for and pay over to the said Rector, Church Wardens and Vestry of Trinity Church, after deducting all expenses of collecting the same, the amount of such arrears of Pew rents.

7. 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 Vestries of the Church of England in the several Parishes in this Province*, and of all other Acts relating to such Corporations and to the elections of Church Wardens and Vestrymen, now in force in the said Parish of Saint John, shall extend and

be construed to extend to the said Parish of Saint Mark, erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments and provisions were herein particularly enacted, except so far as such clauses, enactments and provisions may be inconsistent with the provisions of this Act.