

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 75

An Act to incorporate the Roman Catholic Bishop of Saint John. Passed 23rd April 1862.

Section.

1. Roman Catholic Bishop of St. John incorporated.
2. Lands held in trust for Roman Catholic Church in Diocese of St. John, may be conveyed to Bishop in his corporate capacity.
3. Act not to confer spiritual or ecclesiastical rights.

Section.

4. Bishop being incapacitated, coadjutor to have some powers.
5. Lands heretofore vested in former Corporation within the Diocese of Saint John, now vested in this Corporation.
6. Rights of Her Majesty and others not to be interfered with.

Whereas in and by an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Roman Catholic Bishop in New Brunswick*, it was, among other things, enacted that from and after the passing of that 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," should be and he was thereby 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,' should have perpetual succession, and a common seal: And whereas the said Diocese of New Brunswick in the said Act mentioned, hath been set off and divided into two Dioceses, by the names of the Diocese of Chatham and the Diocese of Saint John; the said Diocese of Chatham comprehending the Counties of Victoria, Restigouche, Gloucester, Northumberland, and all that part of the County of Kent lying northerly of the Richibucto River, from its mouth to its source, as laid down in the Map of the Province of New Brunswick lately published by authority of the Provincial Legislature, compiled and drawn by John Wilkinson, A. D. 1860, and of a line drawn direct from such source westerly to the western angle of the said County of Kent; the said Diocese of Saint John comprehending the Counties of Carleton, York, Sunbury, Queen's, King's, Saint John, Charlotte, Albert, Westmorland, and all that part of the said County of Kent lying southerly of the Richibucto River, from its mouth to its source, as laid down in the manner aforesaid, in the plan aforesaid, and of a line drawn direct from such source westerly to the western angle of the said County of Kent: And whereas the Right Reverend James Rogers, D. D., hath been appointed Roman Catholic Bishop of the first mentioned Diocese, by the name of the Bishop of Chatham, and the Right Reverend John Sweeny, D. D., hath been appointed Roman Catholic Bishop of the Diocese secondly above mentioned, by the name of the Bishop of Saint John; and it is expedient to make and pass an Act of incorporation, whereby the said Right Reverend John Sweeny, D. D., Bishop of the said Diocese of Saint John, and his successors, may be

enabled to hold and acquire real and personal estate within this Province, for religious, charitable or ecclesiastical purposes, for the uses of his said Diocese;—

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

1. That from and after the passing of this Act, the said Right Reverend John Sweeny, and his successor and successors, being the Roman Catholic Bishop of Saint John, 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 aforesaid, in deed and in name; and the said Right Reverend John Sweeny, and his successors for the time being, by the name of 'The Roman Catholic Bishop of Saint John,' shall by such name have perpetual succession, and a common seal, and shall from time to time have power to alter and renew or change such common seal at pleasure; and shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Record in this Province, in as large, ample and beneficial a manner, to all intents and purposes, 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, answer or be answered unto, in any manner whatsoever; and shall by the name aforesaid from time to time and at all times hereafter, be able and capable in law to have, hold, purchase, acquire, possess and enjoy by grant, deed, devise or bequest, for the general use and uses eleemosynary, ecclesiastical or educational of the said Church of Rome in his Diocese, or of any religious community, or any portion of the same community within his aforesaid Diocese, any hereditaments, corporeal and incorporeal, and estates real and personal, within the Province of New Brunswick; and such hereditaments and estates real, or any part thereof, for the purposes aforesaid, from time to time 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 making thereof; and also to have, hold, sell and dispose of such estates personal absolutely from time to time as needs may be; provided always, 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 provided also, that it may be lawful for the said Corporation from time to time as circumstances may require, to raise moneys on mortgage of any lands and premises belonging to the said Corporation within the City and County of Saint John, to an extent not exceeding in the whole one third part of the value of such lands and premises, and thereupon, for the purposes aforesaid, to execute good and valid conveyances of the same, under the seal of the said Corporation; and further, that the rents, profits and proceeds arising from all the aforementioned lands, premises, and hereditaments, shall be applied for uses and purposes within the said Diocese and not elsewhere; provided always, that the annual profits of the lands and premises so to be holden by the said Corporation, shall not at any time exceed (exclusive of pew rents) one thousand pounds in the City of Saint John, and five hundred pounds in any one Parish in said Diocese.

2. It shall be lawful for any person or persons within the said Diocese of Saint John or elsewhere, in whom or in whose name or names any property, lands, tenements or hereditaments situate, lying and being within the said Diocese of Saint John, are or may be hereafter vested in trust or otherwise for the benefit of the Roman Catholic Church in the said Diocese, from time to time to

convey, assign or transfer by deed under his or their hand and seal, in the usual legal manner, all or any of such property, lands, tenements and hereditaments unto the said Roman Catholic Bishop of Saint John, by his corporate name aforesaid, to be holden by the said Corporation aforesaid for the purposes aforesaid, as provided by this Act.

3. Nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual or ecclesiastical rights whatsoever upon the said Roman Catholic Bishop of Saint John, or other ecclesiastical person of the said Church in connexion with the Church of Rome aforesaid.

4. In case the said Roman Catholic Bishop of Saint John, or his successor or successors, shall, from sickness, infirmity, or any other cause, become incapable of or be incapacitated from exercising the powers vested in him by this Act, then his coadjutor or the person administering the Diocese shall, during such incapacity, have the same powers as are by this Act conferred upon the Roman Catholic Bishop of Saint John aforesaid.

5. All lands, tenements and hereditaments which are now vested in the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and which lie within the said Diocese of Saint John, or which are held by any person or persons in trust for any Roman Catholic Church within the Diocese of Saint John, are hereby vested in the Roman Catholic Bishop of Saint John, for the use of such Diocese, as freely and effectually to all intents and purposes as if the same were conveyed or devised to the said Roman Catholic Bishop of Saint John after the passing of this Act; and all titles of lands, tenements or hereditaments heretofore conveyed, or which by the deeds or conveyances relating to the same appear to be meant and intended to be conveyed to the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, are hereby confirmed and declared to be valid and effectual in law, notwithstanding any merely verbal or technical irregularity in the same.

6. Nothing herein contained shall affect or be construed to affect in any way or manner the rights of Her Majesty, Her Heirs or Successors, or the private rights of any person or persons whomsoever, or of any body politic or corporate.