

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 68

An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto.

9th December, 1843. — Presented for Her Majesty's Assent, and reserved "for the signification of Her Majesty's pleasure thereon."

23d May, 1844. — Assented by Her Majesty, in Privy Council.

27th June, 1844. — The Royal Assent signified by the Proclamation of His Excellency Sit Charles Theophilus Metcalfe, Governor General.

Whereas it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others, inhabitants of Lower Canada, and also certain other persons hereinafter named, and divers others, inhabitants of Upper Canada, have respectively established themselves together under a Constitution, Rules and Regulations, and have contributed, or engaged to contribute considerable sums of money, and have given or granted, or promised to give or grant, lands or real estate for the following objects, that is to say: — First, for the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland, severally within the Dioceses of Quebec and Toronto, and for creating a fund towards the augmentation of the Stipends of poor Clergymen, and towards making a provision for those who may be incapacitated by age or infirmity, and for the widows and orphans of the Clergy of the said Church, respectively, in the said Dioceses; Secondly, for the encouragement of Education and the support of Day Schools and Sunday Schools in the said Dioceses, respectively, in conformity with the principles of the said Church; Thirdly, for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the said Church within the said Dioceses, respectively; Fourthly, for circulating in the said Dioceses, respectively, the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as shall be approved by the several Central Boards or Managing Committees of the said Associations; Fifthly, for obtaining and granting aid towards the erection, and endowment and maintenance of Churches according to the establishment of the said Church in the said Dioceses, respectively, the creation and maintenance of Parsonage Houses, the setting apart of Burial Grounds and Church-Yards, the endowment and support of Parsonages and Rectories according to the said establishment, and the management of all matters relating to such endowments: And whereas it would tend greatly to facilitate and promote the purposes of the said Associations that they should severally be incorporated and empowered to hold property in mortmain without Letters of License, and to manage, administer, alienate or dispose of the same, for the uses and purposes aforesaid, and to make and enforce rules and regulations, respectively, for the government of the said Associations, severally, and for better attaining the purposes aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament, of Great Britain

and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Lord Bishop of the said Diocese of Quebec, the Lord Bishop of Montreal, or the Bishop administering the said Diocese for the time being, and William Smith, Andrew W. Cochran, Henry Jessop, Henry J. Noad, John Racey, James H. Kerr, David Burnet, W. H. Leaycraft, John M. Fraser, the Reverend C. L. F. Haensel, George Hall, James Bolton, the Reverend George Mackie, the Reverend Edward Cusack, Robert Symes, the Reverend Edmund W. Sewell, William Price, Noah Freer, Edward Bowen, John G. Irvine, Hammond Gowen, Sir James Stuart, Baronet, Matthew Bell, William Phillips, Henry LeMesurier, Junior, Edward L. Montizambert, Thomas Trigge, Peter Patterson, George B. Hall, James Turnbull, William Stevenson, James B. Forsyth, Alexander D. Bell, James Dyke, William Bowes, R. M. Harrison, H. S. Dalkin, Edward Boxer, Archibald Campbell, Charles Secretan, James McKenzie, E. P. Woolrich, George H. Parke, Samuel McCaulay, James J. Loundes, G. Newton, Charles Secretan, Thomas Glover, Robert Daikers, H. W. Welch, and such other persons as are now Members of the said Association of the Diocese of Quebec, according to the existing Constitution, Rules and Regulations thereof, and their successors to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Quebec," and that the Lord Bishop of Toronto, the Venerable George Okill Stuart, Robert Simpson Jameson, Levius Peter Sherwood, James B. Macaulay, Jonas Jones, Christopher Alexander Hagerman, Peter Boyel De Blaquiére, William Henry Draper, John Simcoe Macaulay, James Gordon, John Boulton, John Solomon Cartwright, D'Arely Boulton, Mahlon Burwell, John B. Askin, Thomas Mercer Jones, Frederick Widder, William B. Jarvis, Henry Ruttan, Joseph Wells, Walter Boswell, Zaccheus Burnham, T. A. Stewart, William Dickson, James Kerby, William Allan, George Crookshank, R. C. Wilkins, Philip Vankoughnet, Gerrard Lloyd, John Macaulay, Sir Allan Napier Macnab, Guy C. Wood, George Salmon, Henry Sherwood, and such other persons as are now Members of the said Association of the Diocese of Toronto, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Toronto," and that by the said names the said Associations shall have each perpetual Succession and a Common Seal, with power to change, alter, break, or make new the same, as often as they shall judge expedient, and that they and their successors by the same names, respectively, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record, or other place of Judicature within this Province; and that they and their successors, by the names aforesaid, shall be able and capable in law, respectively, to purchase, take, have, hold, receive, enjoy, possess and retain, without license, in mort-main or *Lettres d'Amortissement*, all messuages, lands, tenements, and immoveable property, money, goods, chattels, and moveable property, which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, and in favor of the said Church Societies, respectively, to and for the uses and purposes aforesaid or any of them, and to do, perform and execute all and every lawful act and thing useful

and necessary for the purposes aforesaid, in as full and ample a manner, to all intents, constructions and purposes as any other Body Politic or Corporate by law may or ought to do.

II. And be it enacted, that all lands, messuages, tenements, hereditaments, or immoveable property, and all rents, sum and sums of money, charged upon and issuing or payable out of any lands, messuages, tenements, hereditaments, or immoveable property, as aforesaid, and all sums of money, goods, chattels, effects, or moveable property, which have been or shall hereafter be paid, given, granted, purchased, appropriated, devised, or bequeathed in any manner or way whatsoever, to, for, or in favor of the said Corporations, respectively, to and for the uses and purposes aforesaid, shall be and the same are hereby vested in the said Corporations, respectively, to and for the uses and purposes aforesaid, in such manner and form, and subject to such by-laws, rules and regulations, as may be made and passed by the said Corporations, respectively, concerning the same, in the manner hereinafter provided: And that the said Corporations or the Central Boards thereof, or such other Executive and Managing Committees thereof as shall from time to time be appointed and authorized for this purpose by the by-laws, rules and regulations, which may be made and passed in the manner hereinafter mentioned, for the government of the said Corporations, shall, respectively, have power and authority to alienate or exchange, and to demise, let and lease for any term of years, such messuages, lands, tenements, hereditaments and immoveable property as shall be so as aforesaid, given, granted, purchased, appropriated, devised or bequeathed to the said Corporation, respectively, for all or any of the purposes aforesaid, and to have, receive, and take the purchase money, consideration or price, rents, issues or profits thereof: Provided always, that the said Corporations or Central Boards thereof, or such other Executive or Managing Committees, as aforesaid, shall, respectively, have, receive, take and hold such purchase money, consideration, or price, rents, issues or profits, for the uses and purposes hereinbefore mentioned and set forth, or some or one of them, and for none other.

III. And be it enacted, that the said Corporations, and their successors, shall and may respectively, from time to time, hold assemblies and meetings of the said Corporations, which shall be called together in such manner and at such times and places as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporations, and shall and may at any such meeting elect such persons to be Members of the said Corporations, respectively, as they or the major part of them then present shall think fit: Provided always, that no act done in any such assembly or meeting of the said Corporations shall be valid or effectual, unless six persons of such Corporations, at the least, shall be present, and the major part of them, consenting thereto.

IV. And be it enacted, that the said Corporations, or the major part of those who shall be present at any of the meetings of the said Corporations to be held in manner aforesaid, shall and may, respectively, make and ordain any constitution, by-laws, rules and regulations, whatsoever, which to them or the major part of them then present, not being fewer in number than six, as aforesaid, shall seem meet, reasonable or requisite, touching and concerning the well ordering and governing of the affairs and business of the said Corporations and the due administering and improving the property thereof, and the more effectually promoting the purposes thereof, as aforesaid, and such constitution, by-laws, rules and regulations in like manner from time to time to

abrogate, repeal, change or alter as may be found expedient, which constitution, by-laws, rules and regulations, shall be binding upon and shall be observed, performed and kept-by the Members of the said Corporations, respectively: Provided always, that the same shall not be repugnant or contrary to the aforesaid purposes of such Corporations, or to the laws in force in this Province.

V. Provided always nevertheless, and be it enacted, that no such constitution, by-law, rule or regulation, of either of the said Church Societies of the Dioceses of Quebec and Toronto, nor any abrogation, repeal, change or alteration of the same, shall be of any force or effect until it shall have been Sanctioned and Confirmed by the Bishop of or administering such Diocese for the time being, by Writing under His Hand.

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, or of any Body Politic or Corporate, such only excepted as are hereinbefore mentioned and provided tor.

VII. And be it enacted, that this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.