

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 136

An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada. 30th May, 1849.

Whereas the Right Reverend Joseph Signay, Roman Catholic Archbishop of Quebec, the Right Reverend Ignace Bourget, Roman Catholic Bishop of Montreal, and the Right Reverend Joseph Eugène Bruno Guignes, Roman Catholic Bishop of Bytown, in this Province, have petitioned this Parliament to pass an Act incorporating the said Archbishop and Bishops severally, and enabling each to hold and acquire Real Estate in this Province for religious purposes; And whereas it is expedient to comply with the prayer of the said petition, and nothing but advantage can result therefrom, especially for Her Majesty's Roman Catholic subjects in Lower Canada: 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 the United Kingdom of Great Britain and Ireland, intituled, *An Act to reunite 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 from and after the passing of this Act, the said Joseph Signay and his successors, being Archbishops of Quebec aforesaid, in communion with the Church of Rome, the said Ignace Bourget and his successors, being Bishops of Montreal aforesaid, in communion with the Church of Rome and the said Joseph Eugène Bruno Guignes and his successors, being Bishops of Bytown aforesaid, in communion with the Church of Rome, (for that part of that diocese which is situate in Lower Canada,) shall be, and are hereby declared to be, each respectively a body corporate, in his respective diocese aforesaid, in deed and in name, the said Joseph Signay and his successors, by the name of "The Roman Catholic Archiepiscopal Corporation of Quebec," the said Ignace Bourget and his successors, by the name of "The Roman Catholic Episcopal Corporation of Montreal," and the said Joseph Eugène Bruno Guignes and his successors, by the name of "The Roman Catholic Episcopal Corporation of Bytown," and that each of them and his successors as aforesaid shall, by his separate name as aforesaid, have perpetual succession and a common seal, and shall have power from time to time (by and with the advice of his chapter, his council, or other members of his clergy as hereinafter mentioned) to alter and renew or change such common seal at pleasure, and shall respectively, by his respective name as aforesaid, from time to time and at all times hereafter, be able and capable to have, hold, purchase, acquire, possess and enjoy, for the general use or uses eleemosynary, ecclesiastical or educational, of the said church, or religious community, or of any portion of the same community within his district, any lands, tenements or hereditaments within the Province of Canada, and the same real estate or any part thereof from time to time (by and with the advice hereinafter mentioned) to sell or exchange, alienate, hypothecate, let, demise, lease, or otherwise dispose of, and in case of sale, to purchase other real estate in lieu, of that sold with the proceeds or purchase money arising from such sale, and to hold and enjoy such newly purchased or exchanged estate or estates for the religious, eleemosynary, ecclesiastical or educational purposes aforesaid, or any or either of them, and by the same name

respectively each of the said Archbishop and Bishops and his 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, answer or be answered unto in any manner whatsoever.

II. And be it enacted, That all Deeds of any real estate, made and executed by or in favour of either of the said bodies corporate, (except leases for a term not exceeding nine years) shall be duly registered according to law, within six calendar months after the making and execution thereof, otherwise the same shall be void and of none effect; Provided always, That nothing herein contained shall be construed to give any greater effect in other respects to the registration of any such Deed within the said term of six months than is by law given to the registration of any other Deed of real estate in Lower Canada.

III. And be it enacted, That it shall be lawful for any person within either of the said Dioceses of Quebec, Montreal or Bytown, in whom, or in whose name any lands, tenements, or hereditaments, are now, or shall, or may be hereafter vested in trust or otherwise for the benefit of the said Roman Catholic Churches, or either of them, from time to time to convey, assign, or transfer by Deed, under his hand and seal, or by Notarial Deed, in the usual legal way, all or any of the same lands, tenements, and hereditaments unto the Archbishop or Bishop for the time being of the Diocese in which such real estate is situate, to be holden by the said Archbishop or Bishop and his successors for the purposes aforesaid, as provided by this Act.

IV. And be it enacted, That it shall not be lawful for either of the said Archbishop or Bishops, or for their successors, to make or execute any Deed, Conveyance, Lease, or Assignment of the whole or any part 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 Chapter or Council, or if there be neither Chapter nor Council in his diocese, of his Coadjutor and Senior Vicar-General, and in case there shall happen to be no Coadjutor or Vicar-General, or in case the said Coadjutor or Vicar-General, or either of them, should 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 Archbishop or Bishop of each respective diocese; such selection or nomination, and such consent, to appear upon the face of the Deed or other Instrument in writing intended to be executed by the parties, and to be testified by the said Archbishop or Bishop, and his Chapter or Council, or Coadjutor and Senior Vicar-General, or such two clergymen as aforesaid being made parties to, and signing, sealing, and delivering all the Deeds, Conveyances, Leases, Assignments or other Instruments, in the presence of two credible witnesses, or signing the same in the presence of two notaries, or of one notary and two witnesses, as consenting parties thereto respectively.

V. 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 either of the said Archbishop or Bishops hereinbefore mentioned, or upon their successors or other ecclesiastical person of the said Church or Churches in communion with the Church of Rome aforesaid.

VI. And be it enacted, That neither of the said Corporations hereby created shall have, hold, possess or enjoy lands and tenements or real estate in virtue of this Act, exceeding five thousand pounds in annual value at any time; and that each of them shall, at all times when called upon so to do by the Governor of this Province, render an account, in writing, of the property held by such Corporation under this Act, and of the income derived therefrom and the means by which the same has been acquired.

VII. And be it enacted, That whenever it may be deemed expedient to erect any New Roman Catholic Diocese in Lower Canada, the Archbishop or Bishop of such New Diocese, and his successors, shall have the same powers, and be subject to the same restrictions and limitations in respect thereof as are by this Act conferred and imposed upon the said Archbishop of Quebec, and Bishops of Montreal and Bytown respectively.

VIII. And be it enacted, That during any vacancy which may occur in the said Arch-bishopric or Bishoprics respectively, or in case either of the said Archbishop or Bishops, or any Archbishop or Bishop of any New Diocese that may be erected as aforesaid, or their successors, shall from sickness, infirmity, or any other cause become incapable or be incapacitated to perform his 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' Archbishops and Bishops of the said Dioceses respectively.

IX. And be it enacted, That this Act shall not affect in any way the Incorporation created in favor of the said Archbishop of Quebec and his successors, by Her Majesty's Letters Patent, bearing date the twenty-ninth day of January, One thousand eight hundred and forty-five, nor the incorporation created in favor of the said Roman Catholic Bishop of Montreal by Her Majesty's Letters Patent, bearing date the seventeenth day of August, One thousand eight hundred and thirty-nine, which incorporations shall be, and remain distinct from those created by this Act.

X. And be it enacted, That this Act shall extend only to Lower Canada, (except that the said corporate bodies may respectively acquire, hold and enjoy lands and hereditaments in any part of this Province for the purposes aforesaid,) and shall not in any wise extend to or affect Upper Canada.

XI. And be it enacted, That the words "Lower Canada" wherever they occur in this Act, shall be understood to mean and include that part of the Province of Canada which formerly constituted the Province of Lower Canada; the words "Upper Canada" wherever they occur in this Act, shall be understood to mean and include that part of the Province of Canada which formerly constituted the Province of Upper Canada; and all words in the singular number or masculine gender only shall be understood to comprehend several things of the same kind as well as one thing, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it is specially provided to the contrary, or there is something in the subject or context repugnant to such an interpretation.

XII. 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 for.

XIII. 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.