

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 125

**An Act to amend an Ordinance passed in the second year of Her Majesty's Reign, intituled, *An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Churchyards*. Assented to 23rd May, 1853.**

Whereas the great extent of territory of the Districts of Lower Canada renders the proceedings necessary for the erection of Parishes and the building and repairing of Churches both difficult and expensive, and it is expedient to amend the Ordinance passed in the second year of Her Majesty's Reign relating thereto, chaptered twenty-nine, and intituled, *An Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage Houses and Churchyards*, in order to afford the requisite facilities: 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, and 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 for the better attainment of the object of the said Ordinance, it shall be lawful for the Governor or person administering the Government, by Commission under the Great Seal of the Province, to commission, appoint and constitute, in the name of Her Majesty, in each of the Roman Catholic Dioceses canonically acknowledged and erected in this Province by the Ecclesiastical Authorities, five persons duly qualified and residing in the said Dioceses, to be Commissioners for the purposes of the Ordinance aforesaid and of the laws now in force; Provided always, that the provisions of this Act shall not apply to the District of Kamouraska, wherein the law hereby amended shall continue to have effect.

II. And be it enacted, That all the powers, rights and duties vested in and devolving upon the Roman Catholic Bishop of the Diocese of Quebec or of Montreal, by virtue of the said Ordinance and of the laws now in force, shall be exercised and performed by the Roman Catholic Bishop of each Diocese canonically erected and acknowledged by Ecclesiastical Authority, and the petitions and requests of the interested parties shall be presented to the Roman Catholic Bishop of the Diocese, or in case of his absence or of a vacancy in the Episcopal See, to the person administering the Diocese wherein the erection, dismembering, division or union of Parishes is to take place, or in which a Church, Sacristy, Parsonage House or Churchyard and dependencies, is or are to be erected or repaired.

III. And be it enacted, That all cases respecting either the erection or division of Parishes, or the building and repairing of Churches and Parsonage Houses and Church-yards, shall be proceeded with and adjudged upon by the Roman Catholic Bishop or person administering the Diocese in which it shall be necessary to act, and by the Commissioners appointed for the said Diocese, in the manner now provided by the said Ordinance and the laws now in force.

IV. And be it enacted, That the Commissioners at present appointed shall be empowered to continue proceedings instituted before them up to final judgment.

V. And be it enacted, That the Bailiffs of the Superior Court shall be for all the purposes of the said Ordinance, officers duly qualified to act (*exploiter*) as well for the Ecclesiastical as for the Civil Authorities, and as well for the publication of Notices as for any other purpose.

VI. And be it enacted, That the Commissioners appointed under the authority of the said Ordinance, shall collectively or severally, have power to swear any witnesses who shall be produced before them, or any expert who may be appointed in the course of any proceedings which shall be had before such Commissioners.