

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 228

**An Act to incorporate the Congregation of the Catholics of Quebec speaking the English Language. Assented to 19th May, 1855.**

Whereas the Committee of Management of the Congregation of the Catholics of Quebec speaking the English Language, have by their Petition to the Legislature represented, that divers lots of ground in the said City of Quebec have been acquired for the use of the said Congregation, and a Church known by the name of *St. Patrick's Church* and divers other buildings have been erected thereon, and that the said Church hath been and is used as a place of Public Worship according to the rites, ceremonies and doctrine of the Roman Catholic Church; and the said Committee have further represented that the said lots of ground, Church and buildings are now held by Trustees for the purposes and to the uses aforesaid, and that difficulties have arisen in the management of the said property and of the affairs of the said Congregation generally, from their want of a corporate capacity, and have prayed that an Act may be passed incorporating the said Congregation with the powers necessary for the management of their affairs and business, and it is expedient to grant the prayer of the said Petition: 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/or the Government of Canada*, and it is hereby enActed by the authority of the same, as follows:

I. The holders of Pews in *St. Patrick's Church* in the said City of Quebec, and those who shall be hereafter holders of Pews therein, together with such other, persons as may under the By-laws of the Corporation hereby created, hereafter become Members thereof, shall be and are hereby constituted a body politic and corporate by the name of "*The Congregation of the Catholics of Quebec speaking the English Language*" and shall by that name have perpetual succession and a common seal, and by that name shall and may sue and be sued, and may hold personal property, and shall have other the powers vested in corporate bodies under the Interpretation Act, and shall have full power and authority to possess, hold, enjoy and use, the real property hereinafter vested in the said Corporation, and to take and accept, by purchase, gift, devise or other title, and to hold, use and enjoy, such other real property as may be required for the actual use and occupation of the said Congregation, and such additional real property, not exceeding in yearly value the sum of one thousand pounds currency, as may be required for purposes of revenue or otherwise, and to make, ordain, establish and put in execution such By-laws, Rules, Ordinances and Regulations not being contrary to the Constitution of this Province or the laws of Lower Canada, or the provisions of this Act, or to the Constitution, Canons, Rules and Ordinances of the Roman Catholic Church, as may appear to the said Corporation necessary or expedient to the interests thereof, and to alter or repeal such By-laws, Rules, Ordinances or Regulations or any of them, whenever it may appear to them expedient for the interest of the said Corporation so to do.

II. All the properly real and personal now held by the said Committee of Management or any Member or Members thereof, or by any other person or persons in trust to or for the use or benefit of the said Congregation of the Catholics of Quebec speaking the English language, shall be and is hereby transferred to and vested in the Corporation hereby constituted, and more especially all that parcel of land sold and conveyed by Henrietta Smith, widow of die late Honorable Jonathan Sewell, in his lifetime of t he City of Quebec, Chief Justice of the then Province of Lower Canada, to the Reverend Patrick McMahon, then Chaplain of the said Congregation of the Catholics of Quebec speaking the English language, John Patrick O'Meara, Esquire, and Joseph Power Bradley, Esquire, both of the said City, by a certain notarial deed or instrument in writing made and passed at Quebec, before Wilbrod Larue and his colleague, Notaries Public for Lower Canada, and bearing date the twenty-second day of September, one thousand eight hundred and forty-six, which said parcel of land is described in the said Deed or instrument in writing as follows: "A lot of ground of seventy feet in breadth by ninety-seven feet or thereabouts, more or less, as it may be found, in depth, the whole English measure, situate in the Upper Town of the City of Quebec, in the rear of the emplacement and house belonging to the late Francois Nicholas Mail hot or his representatives, in St. John Street: the said lot of ground bounded towards the " South by the rear line of the emplacement of the said Francois Nicholas Mailhot or his representatives, towards the North by the rear or depth line of an emplacement which Peter Burnett, Esquire, or his representatives possess on the Rue des Pauvres, towards the East by the heirs Eckhart or their representatives, and towards the West by the remaining ground belonging to Mr. John Phillips or lds representatives, such and as the ground now is, lies and tends in all its parts, with a stone building thereon erected commonly called the Royal Circus or Theatre, together with a strip of ground on the Western side thereof of a triangular shape, five feet wide at the north-west comer of the property above described, and from the outer extremity of the five feet running in a straight line, and terminating in a point within fifteen feet from the south-west corner:"

And all that other parcel of land sold and conveyed by Archange Baby, wife of John Cannon, of Quebec, Architect, and by him duly authorized in that behalf, to the said Reverend Patrick McMahon, John Cannon, William Burke, William Stillings, John Coote, William O'Brien, Michael Quigley and John Byrne, all of the City of Quebec, by a certain deed of sale or instrument in writing, made and passed at Quebec before W. F. Scott and his colleague, Notaries Public for Lower Canada, on the third day of November, one thousand eight hundred and thirty-one, which said parcel of land is described in the said deed or instrument as follows: "All that certain lot, tract or parcel of ground, situated, lying and being in the Upper Town of the City of Quebec, bounded in front, on the south-west, by St. Stanislas street, extending along the same fifty-nine feet three inches French measure; in the rear, to the north-east, by a lot of ground belonging to Peter Burnett, extending along the same fifty-nine feet three inches; on the north-west partly by a lot of ground belonging to John Graves and partly by the said lot of ground belonging to Peter Burnett, extending along the said last mentioned lots of ground one hundred and nine feet six inches; and on the south-east side partly by a lot of ground belonging to one John Phillips, and partly by the Circus ground, extending along the said last mentioned lots of ground one hundred and ninety feet six inches;"

And all that other parcel of land sold and conveyed by David Burnet, of Quebec, Merchant, (acting for and in the name of Peter Burnett, and thereunto duly empowered,) to the said Reverend Patrick McMahon, John Cannon, William Burke, William Stillings, John Coote, William O'Brien, Michael Quigley and John Byrne, by a certain Deed of Sale or Instrument in writing, made and passed at Quebec, before W. F. Scott and his Colleague, Notaries Public for Lower Canada, on the said third day of November, one thousand eight hundred and thirty-one, which said parcel of land is described in the said Deed or Instrument-as follows: "All that certain lot, tract or parcel of ground, situated, lying and being in the Upper Town of the City of Quebec; bounded in front to the north-west by St. Helen street, extending along the same sixty-four feet French measure, on the south-west side partly by a lot of ground belonging to the representatives of the late Doctor Montgomery, and partly by a lot of ground belonging to one John Graves, extending along the said two several last mentioned lots of ground, on a course parallel to the *ruelle* Saint Helen, the distance of ninety-eight feet nine inches from Saint Helen street to the point of intersection with the north-west bounds of a lot of land belonging to Archange Baby, wife of John Cannon, Esquire; thence, along the said bounds, north-easterly, to the north angle of the said lot of land belonging to the said Archange Baby, fifty-nine feet three inches, or till intersected by the north-west boundary of the lots of land belonging to John Phillips and the Honorable Jonathan Sewell; thence, along the said last mentioned boundary, forty-seven feet six inches, to the aforesaid *ruelle* Saint Helen, by which said *ruelle* the said herein sold and " assigned premises are bounded on the north-east side, extending along the same one hundred and sixty-five feet nine inches, and containing nine thousand one hundred and thirty-six superficial feet;" together with the Church now erected on the said lots, and commonly known as *Saint Patrick's Church*, and other the houses, buildings and dependencies, rights and privileges thereunto belonging and appertaining, the same having been acquired and erected, and now being held in trust for the said Congregation hereby incorporated; and the said Corporation shall be liable for all the debts, claims and demands lawfully incurred by and existing against any person or persons for and on behalf of the said Congregation hereby incorporated, nor shall any hypothec, lien or other privilege or security upon any property hereby vested in the said Corporation, or any right whatever of any third party whatsoever be impaired or affected by the transfer of the said property from the person or persons now holding the same, to the said Corporation.

III. The property, affairs and business of the said Corporation shall be administered, conducted and managed by a Committee of Management, to consist of the persons hereinafter named or designated, and such persons as shall hereafter, under the provisions of this Act, become members of the said Committee; and the said Committee of Management shall have full power and authority to lease, demise, improve, manage and hypothecate the real property of the said Corporation, and to let and demise the pews in the said Church for such periods and on such terms and conditions as they may think best for the advantage of the Corporation, and to receive, recover and pay all moneys which may become due to or by the said Corporation, and to make contracts and agreements, and to bring and conduct actions and other legal proceedings, for and on behalf of the said Corporation, and generally to act for and on behalf and in the name of the said Corporation, and to exercise all other powers hereby vested in it, and for the exercise whereof no other provision is hereby made, and to have the custody of its corporate seal, and to authorize any person or persons to affix the same to any Deed, Ada or Instrument, which by the signature of

such person or persons and the affixing thereto of the corporate seal, shall become the Deed, Act or Instrument of the said Corporation; and the said Committee of Management shall also exercise the power of making the By-laws, Rules, Ordinances and Regulations of the said Corporation; and any copy of any such By-law, Rule, Ordinance or Regulation bearing the corporate seal of the Corporation, and purporting to be signed by the person or persons having the custody of the said seal, shall be *primâ facie* evidence of such By-law, Rule, Ordinance or Regulation in all Courts and places whatsoever.

IV. The power of making By-laws, Rules, Ordinances and Regulations hereby vested in the said Committee of Management may be exercised by any majority of the Members of the said Committee; but any other power hereby vested in the said Committee may be exercised by such Member or Members thereof as may, by the By-laws then in force, be entrusted with the power of exercising the same; and the times, place and mode of meeting of the said Committee of Management, the mode of calling and holding meetings thereof and of conducting the business at any such meeting, the mode of voting, the person who should preside and his powers, and all other matters and things incident to the exercise of the powers of the said Committee and not provided for by this Act, shall be provided for by the By-laws of the Corporation to be made as aforesaid.

V. William Downes, John Patrick O'Meara, Michael Conolly, Thomas Murphy, Hugh Murray, William Power, John Lane, Edward G. Cannon, John Sharpies, Charles McDonald, Edward Ryan, Owen McNally, Roderick McGillis, Charles Alleyn, John J. Nesbitt, William Quinn, John Maguire, John Doran, Joseph Archer, Charles Sharpies, Henry O'Connor, Patrick McMahan, Maurice O'Leary, Lawrence Stafford, Matthew Enright, Miles Kelly, Benson Bennett, Edward Quinn, Patrick Shea, Wm. Mackay, John Murray, John Ellis, Michael Mernagh, Edward John Charlton and John O'Leary, all of the City of Quebec, the present Members of the Committee of Management of the said Congregation, together with tin; Reverend James Nelligan, the present Chaplain of the Congregation, so long as lie shall continue to be such Chaplain, shall lie the first Members of the Committee of Management of the said Corporation, and shall remain in office until they become disqualified and cease to be Members as hereinafter provided.

VI. The successors of the said Reverend James Nelligan, as Chaplains of the said Congregation, shall be ex officio Members of the said Committee of Management of the said Corporation.

VII. In the month of January, in the year one thousand eight hundred and fifty-five, and in each year thereafter, it shall be the duty of the Chaplain or priest appointed to officiate in the said *Saint Patrick's Church* and to minister unto the said Congregation, to submit to the Pew-holders in the said Church, in such manner and at. such time and place as shall have been provided by the By-laws of the Corporation, the names of three persons, being Pew-holders in the said Church, and who shall have been previously chosen or selected for that purpose by the said Committee of Management at a previous meeting, and the Pew-holders shall elect in such manner as shall have been provided by the By-laws of the Corporation, one from among the three persons whose names shall have been so submitted to them, and the person so elected shall become a Member of the said Committee of Management: provided that if at any lime the number of Members of

the said Committee shall be reduced to less than twenty-five, then in the month of January next thereafter, the names of six persons selected by the said Committee at a previous meeting, shall be submitted to the Pew-holders as aforesaid, and two persons shall be elected to be Members to the said Committee from among those whose names shall be so submitted.

VIII. If any Member of the said Committee of Management shall cease to be a Pew-Holder of the said Church, he shall cease to be a Member of said Committee.

IX. The Chaplain or Priest appointed to officiate in the said St. Patrick's Church and to minister unto the said Congregation, shall have full power and authority to keep Registers of Baptisms, Marriages and Burials, in like manner and subject to the same provisions of law as if the said Church were a Parish Church, and all extracts from such Registers certified by the said Chaplain or his successors in the said office, or in the absence of the said Chaplain by one of the officiating Priests of the said St. Patrick's Church, shall have the like effect as extracts from the Registers of any Roman Catholic Parish certified by the Rector or *Curé* thereof; Provided that the said power and authority shall not be exercised before all agreement has been made on the subject with the *Fabrique* of the Parish of Notre. Dame in Quebec, and approved by the Roman Catholic Archbishop of Quebec, or the person administering the Archdiocese, which approval (but not the agreement itself) shall be published in the *Official Gazette* of this Province, and such publication shall be legal evidence thereof, and of the right of the said Chaplain or Priest to keep such Registers as aforesaid, which right shall thereafter be noticed by all Courts without being specially pleaded, alleged or proved.

X. The said Corporation shall have full power and authority to purchase, acquire and hold a lot or lots of land not exceeding twenty acres, English, in extent, and lying within the County of Quebec, for the purpose of a Cemetery or Burial Ground for the said Corporation, and to use the same for such purpose, subject to the Rules, Canons and Ordinances of the Roman Catholic Church in that behalf, subject to which the said Cemetery or Burial Ground shall be administered and managed by the Committee of Management aforesaid, who shall have full power to grant lots therein to persons desirous of acquiring the same and being Members of the Roman Catholic Church, upon such terms and conditions and subject to such payments and fees as the said Committee may think right, and to establish such fees and payments upon and in respect of burials in the said Cemetery as shall have been determined by the said Roman Catholic Archbishop or his successors in office, or the person administering the Archdiocese.

XI. Provided always, That the Roman Catholic Archbishop of Quebec and his successors in office, or the person administering the Archdiocese, shall possess and exercise over the affairs of the said St. Patrick's Church and of the said Congregation, the same authority as the said Archbishop possesses and exercises over the affairs of the several Parochial Churches in the said Archdiocese, and of the *Fabriques* thereof; Provided also, that the By-laws, rules, ordinances or regulations, or an/ of them, made or to be made by the Committee of Management of the said Corporation shall be submitted to him or to them within thirty days after they shall have been adopted or made, and that the said ecclesiastical authorities shall have the power of disallowing them, or any of them, within three months after they shall have been so adopted or made: Provided moreover

that the said ecclesiastical authorities shall also have the power of fixing and determining the tariff of the lees and payments that may be demanded for the performance of ecclesiastical functions or duties performed in the said St. Patrick's Church or in the said Cemetery or Burial Ground.

XII. The mode of calling Special General Meetings of the Members of the Corporation, the mode of proceeding thereat, and all other matters whatsoever relating to the management of the business and affairs of the said Corporation, and the exercise of the powers hereby vested in it, with regard to which provision is not made by this Act, shall be regulated by the By-laws of the Corporation.

XIII. In case the Committee of Management of the said Corporation should deem it expedient to alienate any part of the real property which may become vested in the said Corporation, they shall have the power to make such alienation, provided they shall have been authorized to that effect by the Roman Catholic Archbishop of Quebec, or the person administering the Archdiocese.

XIV. The Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to facilitate the recovery of sum due for Rent of Pews in St. Patrick's Church, Quebec*, shall be and is hereby repealed.

XV. The Corporation hereby established shall, whensoever they may be required by either Branch of the Legislature, make a Return of the real estate held by them, the means by which the same has been acquired, and the income derived therefrom.

XVI. This Act shall be a Public Act.