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No. 82.

1st Session, 5th Parliament, 18 Victoria, 1854.

(PRIVATE BILL.)

BILL.

Act to incorporate the Congregation
of the Catholics of Quebec speaking
the English Language.

Received and Read First time, Friday, 29th
Sept., 1854.

Second Reading, Monday, 23rd October, 1854.

Mr. ALLEYN.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

1854.]

BILL.

[No. 82.]

An Act to incorporate the Congregation of the Catholics of Quebec speaking the English Language.

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, &c., as follows:

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, accept, by purchase, gift, devise or other title and to hold, use and enjoy, such other real property as may be useful or necessary for the purposes of the said Congregation not exceeding in yearly value the sum of two thousand pounds currency, over and above the value of the property hereby vested in the said Corporation, 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.

Holdes of Pews in St. Patrick's Church. Quebec, incorporated. Corporate name and powers.

Amount of Real property limited. By-laws.

II. All the property real and personal now held by the said Committee

Property now held in trust for the congregation of St. Patrick's Church vested in the Corporation.

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 the late Honorable Jonathan Sewell, in his lifetime of the 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, 1846, 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 François Nicholas Mailhot 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 François 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 Eckart or their representatives, and towards the West by the remaining ground belonging to Mr. John Phillips or his 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 corner 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, 1831, 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 Burnett, 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, 1831, 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 said *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 *St. 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.

Including the Church called *St. Patrick's Church*.

Corporation liable for claims against such Trustees.

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 monies 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 or affix the same to any deed, *acte* or instrument, which by the signature of such person or persons and the affixing thereto

Affairs of the Corporation to be conducted by a Committee of Management.

Powers of such Committee.

Committee to exercise the power to make By-laws, &c. of the corporate seal shall become the Deed, *acte* 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 *prima facie* evidence of such By-law, Rule, Ordinance or Regulation in all Courts and places whatsoever. 5

Proof of By-laws, &c.

Power of Committee how to be exercised.

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. 10 15 20

Present Members of Committee named.

V. William Downes, John Patrick O'Meara, Michael Conolly, Thomas Murphy, Hugh Murray, William Power, John Lane, Edward G. Cannon, John Sharples, Charles McDonald, Edward Ryan, Owen McNally, Roderick McGillis, Charles Alleyn, Thaddeus Kelly, John J. Nesbitt, William Quinn, John Maguire, John Doran, Joseph Archer, Charles Sharples, Henry O'Connor, Patrick McMahon, Maurice O'Leary, Lawrence Stafford, Matthew Enright, Miles Kelly, Benson Bennett, Edward Quinn, Patrick Shea, Wm. Mackay, John Murray, John Ellis and Michael Mernagh, all of the City of Quebec, the present Members of the Committee of Management of the said Congregation, together with the Rev. James Nelligan, the present Chaplain of the Congregation, so long as he shall continue to be such Chaplain, shall be 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. 25 30 35

Chaplain to be a Member.

Successors of Chaplain to be Members.

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.

One additional Member to be elected yearly and how.

VII. In the month of January in the year 1855, and in each year thereafter, it shall be the duty of the *Chaplain* or Priest appointed to officiate in the said *St. 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 time the number of Members of the said Committee shall be reduced to less than twenty-five, then in the month of 40 45 50

Provido: if the number 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.

Members fall below twenty-five.

5 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.

Members ceasing to be Pew-holders to go out of office.

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 an 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.

Chaplain or Priest of St. Patrick's Church to keep Registers.

Proviso.

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.

Corporation may acquire a Cemetery; its extent limited.

Fees, &c., how regulated.

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 any 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 never

Powers of the Archbishop of Quebec over the said Church and Corporation.

- He may dis- have the power of fixing and determining the tariff of the fees and pay-
allow By-laws. ments that may be demanded for the performance of ecclesiastical func-
tions or duties performed in the said St. Patrick's Church or in the said
Cemetery or Burial Ground.
- Matters un- XII. The mode of calling Special General Meetings of the Members of 5
provided for the Corporation, the mode of proceeding thereat, and all other matters
in this Act whatsoever relating to the management of the business and affairs of
may be provi- the said Corporation, and the exercise of the powers hereby vested in it,
ded for by with regard to which provision is not made by this Act, shall be regu-
By-law. lated by the By-laws of the Corporation. 10
- Real property XIII. In case the Committee of Management of the said Corporation
may be alien- should deem it expedient to alienate any part of the real property which
ated with the may become vested in the said Corporation, they shall have the power to
consent of the make such alienation, provided they shall have been authorised to that
Archbishop. effect by the Roman Catholic Archbishop of Quebec, or the person adminis- 15
tering the Archdiocese.
- Act 13 and 14 XIV. The Act passed in the Session held in the thirteenth and four-
Vic. chap. 125 teenth years of Her Majesty's Reign intituled, "*An Act to facilitate the
repealed. recovery of sums due for Rent of Pews in St. Patrick's Church, Quebec,*"
shall be and is hereby repealed. 20
- Public Act. XV. This Act shall be a Public Act.