

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x			14x			18x			22x			26x			30x		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x			16x			20x			24x			28x			32x		

2d Session, 3d Parliament, 12th Victoria, 1849.

---

**R.**

**B I L L .**

**An Act to Incorporate the Catholic Archbishop and  
Bishops in each Diocese in Lower Canada.**

---

Printed by Order of the Hon. the Legislative Council.

---

Received and read 1st time, Thursday 22nd  
March, 1849.

Second Reading, Wednesday 28th March, 1849.

**Honorable Mr. QUESNEL.**

[200 copies.]

R.

Legis. Council

**BILL.**

An Act to Incorporate the Catholic Archbishop and Bishops in each diocese in Lower Canada.

**WHEREAS** the Right Reverend Joseph Signay, Archbishop of Quebec, the Right Reverend Ignace Bourget, Catholic Bishop of Montreal, and the Right Reverend Joseph Eugène Bruno Guignes, 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 Catholic subjects in Lower Canada: Be it therefore enacted, &c.:

That from and after the passing of this Act, the said Joseph Signay and his successors, being Archbishops of Quebec aforesaid, and in communion with the Church of Rome, the said Ignace Bourget and his successors, being Catholic Bishops of Montreal aforesaid, and in communion with the Church of Rome, and the said Joseph Eugène Bruno Guignes, and his successors, being Bishops of Bytown aforesaid, (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 Archiepiscopal Corporation of Quebec," the said Ignace Bourget and his successors, by the name of "The Catholic Episcopal Corporation of Montreal," and the said Joseph Eugène Bruno Guignes and his successors, by the name of "The Episcopal Corporation of Bytown," and that each of

Preamble.

Archbishop of Quebec, Catholic Bishop of Montreal, and Bishop of Bytown, respectively, constituted Corporations.

Corporate names.

Corporate  
powers.

Holding land.

Suing and be-  
ing sued, &c.

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.

5

10

15

20

25

30

35

40

II. And be it enacted, That all deeds or wills 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 twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

All Deeds and Wills of land by or to them to be void, unless registered.

10 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 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.

Persons holding property in trust for the benefit of the Roman Catholic Church in Lower Canada may convey the same to these Corporations.

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

No lands held by these Corporations to be let or parted with except by the advice and consent of certain Ecclesiastical Dignitaries.

Such consent to appear on the face of each Deed, & to be testified in a certain way.

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.

This Act not to confer any Spiritual or Ecclesiastical Jurisdiction.

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.

Provision for the incorporation of Archbishops or Bishops of new Dioceses.

VI. And be it enacted, That whenever it may be deemed expedient to erect any new diocese in Lower Canada, the Archbishop or Bishop of such new diocese, and his successors, shall have the same powers as are by this Act conferred upon the said Archbishop of Québec, and Bishops of Montreal and Bytown respectively.

VII. And be it enacted, That in case either Coadjutor to  
of the said Archbishop or Bishops, or any exercise cor-  
Archbishop or Bishop of any new diocese that porate power  
may be erected as aforesaid, or their succes- in cases of sick-  
5 sors, shall from sickness, infirmity, or any ness, &c., of  
other cause become incapable, or be incapaci- Archbishop or  
tated to perform his duties in his diocese, Bishop.  
then his Coadjutor, or the person administer-  
ing the diocese, shall have the same powers as  
10 are by this Act conferred upon the Archbishops  
and Bishops of the said dioceses respectively.

VIII. And be it enacted, That this Act Corporations  
shall not affect in any way the incorporation created by  
created in favor of the said Archbishop of Letters Patent  
15 Quebec and his successors, by Her Majesty's not to be af-  
Letters Patent, bearing date the twenty-ninth fected by this  
day of January, one thousand eight hundred Act.  
and forty-five, nor the incorporation created  
in favor of the said Catholic Bishop of Mon-  
20 treal by Her Majesty's Letters Patent, bearing  
date the seventeenth day of August, one thou-  
sand eight hundred and thirty-nine, which in-  
corporations shall be, and remain distinct from  
those created by this Act.

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

X. And be it enacted, That the words Interpretation  
“ Lower Canada ” wherever they occur in this of certain  
Act, shall be understood to mean and include words.  
35 that part of the Province of Canada which  
formerly constituted the Province of Lower  
Canada ; the words “ Upper Canada ” wher-  
ever they occur in this Act, shall be under-  
stood 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. 5 10

Saving of Her Majesty's Rights, &c.

XI. 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 herein before mentioned and provided for. 15

Public Act.

XII. 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. 20