Technical and Bibliographic Notes / Notes techniques et bibliographiques

L'Institut a microfilmé le meilleur exemplaire qu'il lui a

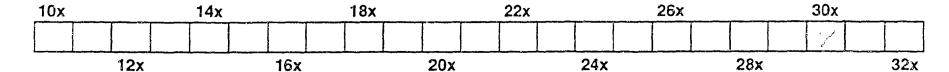
été possible de se procurer. Les détails de cet exem-

may be bibliographically unique, which may alter any of plaire qui sont peut-être uniques du point de vue biblithe images in the reproduction, or which may ographique, qui peuvent modifier une image reproduite. significantly change the usual method of filming are ou qui peuvent exiger une modification dans la méthochecked below. de normale de filmage sont indiqués ci-dessous. Coloured covers / Coloured pages / Pages de couleur Couverture de couleur Pages damaged / Pages endommagées Covers damaged / Couverture endommagée Pages restored and/or laminated / Pages restaurées et/ou pelliculées Covers restored and/or laminated / Couverture restaurée et/ou pelliculée Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées Cover title missing / Le titre de couverture manque Pages detached / Pages détachées Coloured maps / Cartes géographiques en couleur Showthrough / Transparence Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire) Quality of print varies / Qualité inégale de l'impression Coloured plates and/or illustrations / Planches et/ou illustrations en couleur Includes supplementary material / Comprend du matériel supplémentaire Bound with other material / Relié avec d'autres documents Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best Only edition available / possible image / Les pages totalement ou Seule édition disponible partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à Tight binding may cause shadows or distortion along obtenir la meilleure image possible. interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge Opposing pages with varying colouration or intérieure. discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des Blank leaves added during restorations may appear colorations variables ou des décolorations sont within the text. Whenever possible, these have been filmées deux fois afin d'obtenir la meilleure image omitted from filming / Il se peut que certaines pages possible. blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. Cover title page is bound in as last page in Additional comments / book but filmed as first page on fiche. Commentaires supplémentaires:

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

The Institute has attempted to obtain the best original

copy available for filming. Features of this copy which



4th Session, 3rd Parliament, 14 & 15 Vict. 1851.

BILL.

An Act to provide for the establishment of a Church Society of the United Church of England and Ireland, in each division of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec.

Received and read a first time, Tuesday, 17th June, 1851.

Second reading, Monday, 23rd June, 1851.

Hon. Mr. BADGLEY.

BILL.

An Act to provide for the establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec.

HEREAS by an Act passed in the seventh year of Preamble. Her Majesty's Reign and intituled, "An Act to " incorporate the Church Societies of the United Church of 7 Vict. c. 68. " England and Ireland, in the Dioceses of Quebec and " Toronto," a Corporation was created for the objects in the said Act mentioned, in and for the Diocese of Quebec, by the name of The Church Society of the Diocese of Quebec, to consist of the Lord Bishop of the said Diocese, and other the persons therein named and their successors; 10 And whereas Her Majesty by Her Royal Letters Patent, bearing date at Westminster on the eighteenth day of July, in the fourteenth year of Her Majesty's Reign, was pleased to divide the said Diocese of Quebec into two Dioceses, the one to be called The Diocese of Quebec, 15 and the other, The Diocese of Montreal, in the manner and with the limits and boundaries in the said Letters Patent mentioned, and by reason of such division it hath become expedient, and the said Corporation hath prayed, that the members thereof and their successors may here-20 after form two Corporations in the manner, with the corporate names and rights, and subject to the provisions hereinafter mentioned and made: Be it therefore enacted, &c.

That from and after the passing of this Act, the Corpo- A Church 25 ration created by the Act first above cited, by the name Society con-of The Church Society of the Diocese of Quebec, and here-each of the inafter called and referred to as "the late Corporation," Dioceses of shall cease and determine; and there shall be and is hereby Montreal. constituted in and for the Diocese of Quebec as now con-30 stituted, a Corporation by the corporate name of The Church Society of the Diocese of Quebec, and another Corporation in and for the Diocese of Montreal as now constituted by the corporate name of The Church Society of the Diocese of Montreal, each of which said Corporations 35 shall have and is hereby invested with the like corporate rights, powers and privileges as by the Act first above cited are conferred upon the said late Corporation, and to each of the said Corporations and to the members thereof the

several clauses and provisions of the said Act shall apply

as fully as they would have applied without this Act and without the division of the former Diocese of Quebec, to the said late Corporation, and the members thereof, and as if each of the said Corporations had been one of those constituted by the said Act, in so far as may not be inconsistent with this Act and subject always to the provisions herein made.

Of whom to consist in the Diocese of Quebec.

II. And be it enacted, That the Corporation of The Church Society of the Diocese of Quebec hereby constituted, shall be composed and consist of the Lord Bishop 10 of the Diocese of Quebec (as now constituted) for the time being, and of those members of the said late Cornoration who shall at the time of the passing of this Act be resident within the said Diocese of Quebec, unless and until it shall be otherwise provided by the by-laws of the 15 Corporation, and of such other persons as shall from time to time hereafter be elected members of the said Corporation, in the manner provided by the Act aforesaid.

And in that of Montreal.

III. And be it enacted, That the Corporation of The 20 Church Society of the Diocese of Montreal hereby constituted, shall be composed and consist of the Lord Bishop of the Diocese of Montreal, for the time being, and of those members of the said late Corporation who shall, at the time of the passing of this Act, be resident within the 25 Diocese of Montreal, unless and until it shall be otherwise provided by the by-laws of the Corporation, and of such other persons as shall from time to time hereafter be elected members of the said Corporation, in the manner provided by the Act aforesaid. 30

As to life members, or members the Province.

IV. Provided always, and be it enacted, That any life member of the said late Corporation, resident in either resident out of of the said Dioceses, shall have power to make his election of the Diocese with which to be connected, and that if no such preference be expressed by him in writing 35 under his hand, to the Bishop of such Diocese, within two months after the passing of this Act, such life member shall be considered to be and shall be a life member of the Corporation of the Diocese within which he resided at the time when the said Letters Patent took effect; 40 and provided further, that any person not resident in the Province of Canada, who became and was such life member at the time when the said Letters Patent took effect, shall be considered to be and shall be an honorary mem-45 ber of both Corporations.

In which society the real property of the late Corporation

V. And be it enacted, That the real property of the said late Corporation, and its right to or in any real property, whether held to and for its own use generally, or Shall be vested. in trust for any special purpose or purposes, shall be and are hereby vested in that one of the two Corporations 50 hereby constituted, which is constituted in and for the

Diocese in which such real property shall respectively lie; and that any real property of the said late Corporation, situate in Upper Canada, shall be and is hereby vested in the said Church Society of the Diocese of 5 Montreal, and the personal property of the said late Cor- And the poration (including all books, papers and documents personalty. thereunto relating, and its right to or in any personal property) shall be and is hereby vested provisionally in the Corporation of The Church Society of the Diocese of

10 Quebec hereby constituted; Provided always, that no Proviso: trust upon which any such property, real or personal, is as to trusts. held shall be disturbed or affected, but shall be strictly observed and performed by that Corporation in which such property or the right thereto will be vested; and Proviso as to

15 provided also, that the Corporation last mentioned shall, subsequent division of within one year from the passing of this Act, assign and personalty. convey to The Church Society of the Diocese of Montreal, such proportion as shall be agreed upon by the two Corporations, of the personal property held by the said late

20 Corporation otherwise than upon trust for any special purpose or purposes; and that it shall be lawful for either Either of the Corporations hereby constituted, to assign and Corporation may assign convey to the other any property, real or personal, of Trust property the said late Corporation held upon any trust or trusts to the other in certain cases.

25 which it shall appear to the said Corporations can be more conveniently performed by the Corporation to which such assignment and conveyance shall be made, such assignment and conveyance being made upon the trusts to which the property is subject; and the liabilities of the Astoliabilities

30 said late Corporation shall be discharged by that one of of the late Corporation. the Corporations hereby constituted, in whom the property shall be vested in respect of which such liability shall have been incurred, or if the same shall not have been incurred in respect of any property, then the same

35 shall be discharged by The Church Society of the Diocese of Quebec, unless it be otherwise agreed between the said two Corporations.

VI. And he it enacted, That the By-laws of the said By-laws of late Corporation in force immediately before the passing ration to be 40 of this Act, shall, in so far as they may be capable of such those of both, application and consistent with the provisions of this Act, be the by-laws of each of the Corporations hereby constituted, until they shall be repealed or altered in the manner provided by the Act first aforesaid; Provided always, Proviso: 45 that the Bishop of the Diccese in and for which each of Bishops to be Presidents. the said Corporations is constituted, shall be the President of such Corporation, and shall have full power to sanction and confirm any constitution, by-law, rule or regulation of such Corporation, or any abrogation, repeal, 50 change or alteration of the same, in the manner provided by the fifth section of the Act first aforesaid, anything in

the said section to the contrary notwithstanding.

District of St. Francis to be in Diocese of Quebec.

VII. And be it enacted, That, notwithstanding any omission in the Letters Patent erecting the present Dioceses of Quebec and Montreal respectively, the District of Saint Francis shall be and shall be held to have been included within the present Diocese of Quebec, to all intents and purposes as if it had been made part of the said Diocese by the said Letters Patent erecting the same.

How certain devises and instruments mentioning the Bishop of Quebec, &c. be construed.

VIII. And be it enacted, That any gift, legacy, devise or beguest of property, or any right, title, interest, in or 10 to any property, which before the time when the Letters Patent aforesaid took effect, was made to or vested in the shall herenfter Bishop of Quebec, or in the Bishop of Montreal administering the Diocese of Quebec, shall be, and shall be held to have been from the time last aforesaid, made to or 15 vested in the Bishop of Quebec as now constituted, who shall be held to be the successor of such first mentioned Bishop; and any Act, ordinance or law, deed, instrument or writing made before the said time, and any will, testament or codicil of any testator who died before the 20 said time, in which the Diocese of Quebec, or the Bishop of Montreal or Bishop administering the Diocese of Quebec, is mentioned or referred to or intended, shall be construed and have effect from the said time as if the Diocese or Bishop therein intended, mentioned or referred 25 to, were the Diocese of Quebec as now constituted, or the Bishop of Quebec as now constituted, except where such construction would be contrary to justice or to the provisions of this Act, or to the Letters Patent aforesaid; Provided that it shall always be lawful for the Bishop of 30 the aforesaid Diocese of Quebec, to assign and convey to the Bishop of Montreal any property held by him in trust, if the said Bishop shall be of opinion that such trust can be better or more conveniently performed by the Bishop of Montreal, anything in the will, testament, deed 35 or instrument, creating such trust to the contrary notwithstanding.

Bishops declared to be and to have been corporations sole.

Their powers as such.

IX. And be it enacted, That the Bishop of Quebec and his successors, by the name of the Lord Bishop of Quebec, and the Bishop of Montreal and his successors, 40 by the name of the Lord Bishop of Montreal, shall respectively be a Corporation sole, and shall be deemed to have been so from the time when the Letters Patent aforesaid took effect, and shall respectively have, and shall be held to have had, from the said time, full power 45 and authority to sue and be sued, and to take and hold (with or without license or letters of mortmain) any real property within this Province, and any personal property whatsoever, whether by devise, bequest, gift, grant or other title or conveyance whatsoever, and the same or 50 any part thereof to alienate, unless when held in trust for any special purpose in the instrument creating

which trust such alienation is forbidden, and other the powers vested by law in bodies corporate generally; and the Bishop of Quebec, or the Bishop of Montreal, or Bishop administering the Diocese of Quebec, before the 5 time when the said Letters Patent took effect, shall be held to have had full power and authority to sue and be sued, and to take and hold (with or without license or letter of mortmain) any real property within this Province, and any personal property whatsoever, whether by 10 devise, bequest, gift, grant or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose, in the instrument creating which trust such alienation is forbidden.

X. And be it enacted, That nothing in this Act shall No spiritual be construed to confer any spiritual or ecclesiastical jurisdiction conferred by rights or jurisdiction upon either of the said Bishops, or this Act. upon their successors or other ecclesiastical person of the said Church.

XI. And be it enacted, That the Act passed in the Act 6 Vict. c. sixth year of Her Majesty's Reign, and intituled, "An 32. to apply to each Diocese. "Act to make provision for the management of the tempo-"ralities of the United Church of England and Ireland in "the Diocese of Quebec, in this Province, and for other 25 " purposes therein mentioned," and all the provisions and enactments thereof, shall apply and shall be held to have applied, from the time when the letters patent aforesaid took effect, to each of the Dioceses of Quebec and Montreal respectively, and to the Bishop of each of the 30 said Dioceses, as fully and effectually as before the said time they applied to the Diocese of Quebec as then constituted, and to the Bishop thereof, anything in the nineteenth section, or in any other part of the said Act to the contrary notwithstanding, and the words "The Bishop," 35 or "The Bishop of the Diocese" in the said Act, shall be construed as meaning the Bishop of Quebec or the Bishop of Montreal, as the case may be.

XII. And be it enacted, That whenever in this Act Word "Bishop" to the Bishop of any Diocese is mentioned, the successors include 40 of such Bishop, and the Bishop administering such successors. Diocese, shall be held to be also intended and included.

XIII. And be it enacted, That nothing herein con-Rights of the tained shall be construed to affect in any manner or way Crown, &c. the rights of Her Majesty, her Heirs or Successors, or of 45 any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

XIV. And be it enacted, That this Act shall be a Public Act. public Act.

B142