

A Bill assented to in Her Majesty's name, by His Excellency the Governor General, at Montreal, on 29th March, 1845, entitled—

An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

WHEREAS the Right Reverend Michael Power, Roman Catholic Bishop of Toronto, and the Right Reverend Patrick Phelan, Roman Catholic Bishop of Carthage, and Administrator of the Diocese of Kingston, in this Province, have petitioned this Parliament to pass an Act incorporating the Roman Catholic Bishops of Kingston and Toronto, 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;

I. Be it therefore enacted, &c., That from and after the passing of this Act, the said Michael Power, and his Successor and Successors, being Bishop of Toronto aforesaid, in communion with the Church of Rome, and Remigius Gaulin, and his Successor and Successors, being Bishop of Kingston aforesaid, in communion with the Church of Rome, 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 Michael Power and his Successor and Successors for the time being, by the name of 'The Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada,' and the Reverend Remigius Gaulin, and his Successor or Successors for the time being, by the name of 'The Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada,' and that each of 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 Coadjutor and senior Vicar General, or of two Clergymen for the time being, 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 of the religious community, or of any portion of the same community, within his Diocese, 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 and consent hereafter mentioned,) to sell or exchange, alienate, 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 Bishops, and his Successor and 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.

II. And be it enacted, That the soil and freehold, as well as the fee of all Lands, Tenements, and Hereditaments, and of all Burial Grounds and Churches and Chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Michael Power, or his Church, in communion with the Church of Rome as aforesaid, and of all Churches and Chapels now being erected, or to be hereafter erected, in his Diocese, shall be and are hereby declared to be vested in him and his Successor and Successors, for the time being, for the purposes aforesaid; and that the soil and freehold, as well as the fee of all Lands, Tenements, and Heredita-

ments, and of all Burial Grounds, and Churches and Chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Remigius Gaulin, or his Church, in communion with the Church of Rome as aforesaid, and of all Churches and Chapels now being erected, or to be hereafter erected, in his Diocese, shall be and are hereby declared to be vested in him, and his Successor or Successors, for the time being, for the purposes aforesaid; the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, Laws and usages to the contrary notwithstanding.

III. And be it enacted, That all Deeds or Wills of any Real Estate made and executed by or in favor of either of the said Bodies Corporate, or his Successor or Successors for the time being, (except leases for a term not exceeding twenty one years,) shall be duly registered according to the Law, within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

IV. And be it enacted, That it shall be lawful for any person or persons within either of the said Dioceses of Toronto or Kingston, in whom, or in whose name or names, any Lands, Tenements and Hereditaments are now, or shall or may be hereafter vested in trust or otherwise, for the benefit of the said Roman Catholic Churches, or either of them, from time to time to convey, assign, or transfer, by Deed under his hand or their hands and seals, in the usual legal way, all or any of the same Lands, Tenements and Hereditaments, unto the Bishop for the time being, of the Diocese in which such Real Estate is situate to be holden by the said Bishop, and his Successor or Successors, for the purposes aforesaid, as provided by this Act.

V. And be it enacted, That it shall not be lawful for either of the said Bishops, or for their Successor and Successors for the time being, 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, or the title to which is confirmed to him by this Act, without the consent in writing of his Coadjutor and senior Vicar General, and 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, shall 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 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 Bishop and Coadjutor, and senior Vicar General, or such two Clergymen as aforesaid, being made parties to and signing and sealing all the deeds, conveyances, leases, assignments, or other instruments, in the presence of two credible witnesses, as consenting parties thereto, respectively.

VI. 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 Bishops hereinbefore mentioned, or upon his or their Successor or Successors, or other ecclesiastical person of the said Church or Churches in communion with the Church of Rome aforesaid.

VII. And be it enacted, That this Act shall extend only to that part of this Province which formerly constituted the Province of Upper Canada, (except that the said Corporate Bodies may respectively acquire, hold, and enjoy, Lands and Hereditaments in any part of this Province, for the purposes aforesaid,) and shall not in any wise extend to or affect that part of the Province formerly known as Lower Canada.

VIII. And be it enacted, That in case either of the said Bishops, or any new Bishop of any new Diocese that may be erected as aforesaid, or their or his Successor