

STATUTE LAW
19-20 VICTORIA



CAP. 141

An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod.

*Reserved for signification of Her Majesty's pleasure 19th June, 1856.
The Royal assent given by Her Majesty in Council on the 6th May, 1857;
Proclaimed in the Canada Gazette of the 28th May, 1857.
Printed and bound with 20 Victoria 1857, but only found in certain copies.*

WHEREAS doubts exist whether the members of the United Church of England and Ireland in this Province have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities. Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland; Provided always, that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

2. The Bishop, Clergy and Laity, members of the United Church of England and Ireland, in this Province, may meet in general Assembly within this Province, by such Representatives as shall be determined and declared by them in their several Dioceses; and in such general Assembly frame a Constitution and regulations for the general management and good government of the said Church in this Province; Provided always, that nothing in this act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person, other than his suspension or removal from an office in the said Church or exclusion from the meetings or proceedings of the Diocesan or General Synods; And provided also, nothing in the said constitutions or regulations, or any of them, shall be contrary to any Law or Statute now or hereafter in force in this Province.



STATUTE LAW
22 VICTORIA



CAP. 139

An Act to explain and amend the Act intituled: *An Act to enable the members of the United Church of England and Ireland in Canada, to meet in Synod.*
(Assented to 16th August, 1858.)

WHEREAS doubts exist whether in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: *An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod*, sufficient provision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case) may be elected at the annual Easter meetings in each parish, mission, or cure within the Diocese, or in cases where there may be more than one congregation in any parish, mission or cure, then in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; And all laymen with in such parish, mission or cure, or belonging to such congregation, of the full age of twenty one years, who shall declare themselves, in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other Religious denomination, shall have the right of voting at such election. Each Delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce, when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the Congregations within the same be represented by at least one Delegate.

2. All proceedings heretofore had in any Diocese under the aforesaid act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.



STATUTE LAW
6 VICTORIA



CAP. 32

An Act to make provision for the management of the temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned

12th October, 1842-Reserved "for the signification of Her Majesty's pleasure".

23rd August, 1843-Assented to by Her Majesty in Privy Council.

6th October, 1843-The Royal Assent signified by Message of His Excellency the Governor-General to the Legislative Council and Assembly of this Province.

DIOCESE OF QUEBEC

WHEREAS it is desired, on behalf of the United Church of England and Ireland, in the Diocese of Quebec, that provision should be made by law for the internal management by the members of the said Church for the temporalities thereof, and also for allowing the endowment thereof, and it is just and expedient that such provisions should be made: 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 reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the soil and freehold of all Churches of the Communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Diocese, and of the Church Yards and Burying Grounds attached or belonging thereto, respectively, shall be in the Parson or other Incumbent thereof, for the time being, and the Church-Wardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in the Trustees for the use of the Church, or whether the legal Estate remains in the Crown by reason of no Patent having been issued, though set apart for the purpose of such Church, Church Yard or Burying Ground: Provided always, that nothing herein contained shall extend to affect the rights of any Parsonage or Rectory now established by Letters Patent, or of any Proprietary Chapel or any other Church or Body of Christians, to any landed property or Church now erected, but that the same shall be as if this Act had not been passed.

2. And be it enacted that all Pew-holders in such Churches, whether holding the same by purchase or lease, and all persons holding sittings therein, by the same being let to them by Church-wardens, and holding a certificate from the Church-wardens of such sitting, shall form a Vestry for the purposes in this Act mentioned and declared.

(Amended by Canon XVII, Sec. 1.)

3. *(Repealed by Canon XVII, Sec.2.)*

4. And be it enacted, that no person shall be eligible to the office of Church-warden except members of the said Church of the full age of twenty-one years, and who shall also be members of such Vestry.

5. And be enacted, that such Church-wardens shall hold their office for one year from the time of their appointment, or until the election of their Successors, except in case of an appointment, or nomination to fill up any vacancy occasioned by death or removal, as aforesaid, and in such case the person so appointed or nominated shall hold the said office until the next annual election.

6. And be it enacted, that such Church-wardens so to be elected and appointed as aforesaid, shall, during their term of office, be as a Corporation to represent the interest of such Church and the members thereof, and shall and may sue and be sued, answer and be answered unto in all manner of suits and actions whatsoever, and may prosecute indictments, presentments and other criminal proceedings for and in respect of such Churches and Church Yards, and all matters and things appertaining hereto, and shall and may, in conjunction with the Rector or Incumbent, make and execute faculties or conveyances, or other proper assurances in Law, to all Pew-holders holding their Pews by purchase, or leases to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings, such conveyances, leases and certificates to be given within a reasonable time after demand made, and at the charges of the person applying for the same: and further, it shall be the duty of such Church-wardens from time to time to sell, lease and rent, Pews and sittings, upon such terms as may be settled and appointed at Vestry meetings to be holden for that purpose, as hereinafter provided: Provided always, that any such sale, lease or renting, shall be subject to such rent charge, or other rent as may from time to time, be rated and assessed in respect thereof at such Vestry meeting.

See Canon XVII section 4, subsection 3.

7. And be it enacted, that in case of the absolute purchase of any Pew in any such Church as aforesaid, the same shall be construed as a Freehold or Inheritance, not subject to forfeiture by change or residence, or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England and Ireland, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchasers thereof.

8. And be it enacted, that any Pew-holder, whether by purchase or lease, and any person renting a Pew or sitting, shall and may, during their rightful possession of such Pew or Sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

9. *(Repealed by Canon XVII, Sec. 3.)*

10. And be it enacted, that it shall be in the power of the Incumbent of any such Parsonage, Rectory or Parish as aforesaid, or of the Church-wardens thereof, to call a Vestry meeting whenever he or they shall think proper to do so, giving at least eight day's notice thereof by proclaiming it in the usual manner in the Church, and by notice affixed to the outer door or doors of the said Church, as the case may be, and it shall be his and their duty so to do upon application being made for that purpose in writing by six at least of the members of such Vestry, as aforesaid; and in case, upon such written application being made as aforesaid, such Incumbent

and Church-wardens shall refuse to call such meeting, then, one week after such demand made, it shall be in the power of any six of such members of the Vestry to call the same by notice to be affixed on the outer Church door (or Church Doors, where more than one) at least one week previous to such intended meeting.

11. And be it enacted, that in all Vestry meetings, the Rector or Incumbent of the Church shall preside as Chairman when present, and in his absence such person as the majority present at such meeting shall name, and the Vestry Clerk, when there is one and present, or in case there be no Vestry Clerk, or he be absent, then such person as the Chairman shall name, shall be the Secretary of such Vestry meeting, and the proceedings of such Vestry meeting shall be entered in a book to be kept for that purpose and preserved in the custody of the Church-wardens.

12. And be it enacted, that the rent charge to be paid upon Pews holden in free hold, and rent to be paid for the Pews and Sittings in Pews, leased or rented, shall be regulated from time to time by the majority of those present at such Vestry meetings as aforesaid; Provided, nevertheless, that no alterations shall be made therein except at Vestry meetings called for such special purpose, and so expressed in the notice calling the same; and further that the charges to be made in respect of such conveyances, leases and certificates shall in like manner, be regulated at such Vestry meetings as aforesaid.

13. And be it enacted, that the Clerk of the Church, the Organist, the Vestry Clerk, the Sexton, and other subordinate servants of the Church, shall be nominated and appointed by the Church-wardens for the time being, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such Church wardens.

Amended by Canon XVII, section 4 subsection 3

14. And be it enacted, that the fees on marriages, baptisms, and other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or church yards, and in the same Churches for burying the dead, shall be regulated by the Bishop of the Diocese, or such other person as he may appoint as ordinary.

15. And be it enacted, that it shall be in the power of the members of such Vestries, by the majority of those present at such Vestry meetings, as aforesaid, to make By-laws for the regulation of their proceedings, and the management of the temporalities of the Church or Parish to which they belong, so as the same be not repugnant to this Act, nor contrary to the Canons of the said United Church of England and Ireland.

16. And be it enacted, that any Deed or Conveyance of Land or of personality that may be made to any Bishop of the said Church, in the said Diocese, and to his successors, for the endowment of his See, or for the general uses of the said Church, as such Bishop may appoint, or otherwise, or for the use of any particular Church then erected, or thereafter to be erected or for the endowment of a Parsonage, Rectory or Living, or for other uses or purposes appurtenant to such Church in general, or to any particular Church or Parish to be named in such Deed, an any such Deed, or Conveyance to any Parson or Rector, or other Incumbent, and his successors, for the endowment of such Parsonage, Rectory or Living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such Deed or Conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, Laws, or Usages, to the contrary thereof notwithstanding.

17. And be it enacted, that in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, and to endow the same with a sufficiency for the maintenance of such Church, and of Divine service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the Bishop under his hand and seal for that purpose; and thereupon after the erection of a suitable Church and the appropriation by the founder thereof such Church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church, such provision being made to the satisfaction of the Bishop, such founder, his heirs and assigns being members of the said Church of England, or such body, politic or corporate as the case may be, shall have the right of presentation to such Church, as an advowson in fee presentative, according to the rules and Canons of the said United Church of England and Ireland.

18. 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 right whatsoever, upon any Bishop or Bishops, or other ecclesiastical person of the Church, in the said Diocese of Quebec.

19. And be it enacted, that the words “Diocese of Quebec”, in this Act, shall be held and considered to mean and comprise that part of the Province of Canada called Lower Canada.

(For further provisions see Canon XVII.)



STATUTE LAW
29-30 VICTORIA



CAP. 15

An Act to make further provision in relation to the Temporalities of the United Church of England and Ireland in this Province
(Assented to 15th August, 1866)

WHEREAS it is desirable to provide that the Act passed by the Parliament of Upper Canada in the third year of Her Majesty's reign, chaptered seventy-four, and intituled: *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned*, and also the Act of the Parliament of this Province, passed in the sixth year of Her Majesty's reign, chapter thirty-two intituled: *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned*, and also the Act of the Parliament of this Province, passed in the session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, chaptered one hundred and seventy-six, and intituled: *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Montreal, and for other purposes therein mentioned*; may be altered and amended from time to time, and the Provincial Synod of the United Church of England and Ireland, in Canada, have, by their petition, prayed that power may be given to the said Synod to make such alterations in the said Acts, as may from time to time be found necessary for the better and more uniform regulation and management of the Temporalities of the said Church in this Province, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Bishops, Clergy and Laity of the United Church of England and Ireland in Canada, assembled in Provincial Synod or General Assembly, under the provisions of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chaptered one hundred and forty-one, section two, shall have power and authority from time to time, by any By-law or Canon by them adopted, to make such repeal, change, alteration and amendment of, and in all or any of the clauses or provisions in all or any of the said Acts in the Preamble of this Act mentioned, as they shall deem advisable and necessary for the better and more uniform regulation and management of all or any of the temporalities of the said United Church of England and Ireland in this Province; and every such Canon or By-law shall have effect accordingly; Provided always, that the proviso to the sixteenth section of the Act firstly, and the proviso to the eighteenth section of the Act thirdly, in the Preamble of this Act mentioned, and also the eighteenth sections of the acts firstly and secondly and the twenty-second section of the Act thirdly in the Preamble of this Act mentioned, shall not, nor shall either of them be, in any manner varied, altered or repealed, by any such Canon or By-law, as aforesaid; and provided also that such Canon or By-law, shall be approved by the Governor in Council, and before such approval, shall be published for three months in the Official Gazette.

2. This Act shall be a Public Act.



STATUTE LAW
42-43 VICTORIA
(QUEBEC)



CAP. 69

An Act to extend the powers granted to the Provincial Synod of the Anglican Church by the Act of the late Province of Canada, 29 and 30 Vict., Chap. 15, to the Diocesan Synod of Quebec, in so far as it relates to Church property in the said Diocese.
(Assented to 31st October, 1879.)

WHEREAS the Synod of the Church of England of the Diocese of Quebec, has, by its petition, represented that it is desirable, in the interest of the Church of England, within the said Diocese, that certain provisions of the Act passed by the Parliament of the late Province of Canada in the 29th and 30th years of Her Majesty's reign, chap. 15, intituled: "An Act to make further provisions, in relation to the temporalities of the United Church of England and Ireland in this Province", should be extended to the Synod of the said Diocese, and has, moreover, asked for further provisions in connection therewith and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Bishop, Clergy and Laity of the Church of England in the Diocese of Quebec, assembled in Diocesan Synod, under the provisions of the Act passed in the nineteenth and twentieth years of Her Majesty's reign, chapter one hundred and forty-one, section two, shall have power and authority, from time to time, by any by-law or canon, by them adopted, to make such repeal, change or amendment of, and in all or any of the Acts recited in the preamble of the said Act 29th and 30th Vict., chap. 15, as they shall deem advisable and necessary for the better and more uniform regulation and management, sale and disposal of all or any of the temporalities of the said Church in the Diocese of Quebec, and every such canon or by-law shall have effect accordingly; provided that such canon or by-law shall not have effect until it shall be approved by the Lieutenant-Governor in Council.

2. The incumbent and church-wardens of every church or congregation in the Diocese of Quebec, who shall have been duly appointed in virtue of the canons of the Diocese, shall constitute a corporation for the purpose of managing the property belonging to the Church or congregation, for which such incumbent and such church-wardens shall have been appointed.

(See 48 Vic., chap. 40, sec. 6)

3. The present Act shall come into force on the day of its sanction.



STATUTE LAW
48 VICTORIA
(QUEBEC)



CAP. 40

An Act to incorporate the Synod of the Church of England in the Diocese of Quebec and, for other purposes connected with the Temporalities of the said Church.

(Assented to 9th May, 1885.)

WHEREAS the Lord Bishop of Quebec and the Synod of the Church of England in the Diocese of Quebec have, by petition, represented that it is expedient that the said Synod should be incorporated and granted power to hold property, and also to adopt a simple method of authenticating and proving the minutes, journals and canons of the said Synod; and that it is also expedient to amend the law respecting the acquisition and alienation of immoveable and other property by the said Church, and regulating the management of the temporalities thereof, and to enable the said Bishop, to transfer to the parties for whose benefit they are held, certain properties and funds now by him held in trust, and have prayed to have an act passed for the said purposes, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Synod is hereby incorporated and make and constituted a body politic and corporate, under the name of “The Synod of the Church of England in the Diocese of Quebec”, with perpetual succession and all other the rights, powers and privileges incident or belonging to like corporations.

2. For all acts or purposes, respecting which it may be necessary for the said Synod to be represented, it shall be represented by the Bishop and secretaries in office for the time being.

3. The said Synod is hereby authorized and empowered, and shall be able from time to time and at all times hereafter, by gift, bequest, purchase, exchange or any other title, without license of mortmain (letter *d’amortissement*), to acquire, receive, take, hold, possess and enjoy property of every kind, real an personal, moveable and immoveable, for the uses and purposes of the said Church; and the same to manage, let, mortgage or hypothecate, exchange, sell, alienate, dispose of and replace whenever the said Synod may deem it expedient so to do, the acts of Parliament, commonly called the Statutes of Mortmain, or any other act, law or usage to the contrary notwithstanding. Provided that such immoveable property shall not exceed in annual value the sum of twenty thousand dollars over and above the value of such immoveable property as may be required for the use of the said corporation itself.

4. The actual and present Bishop of Quebec and Secretaries of the said Synod may, and they are hereby authorized and empowered to certify by their signature one or more of the existing printed journals of the said Synod for all, each and every the past sessions thereof, to be the record of the proceedings, act and canons of the said Synod; and such printed journals so certified shall be taken to be, and shall have the force and effect of, and serve and avail as, the original and

authentic records of all the proceedings, acts, minutes, journals and canons of the said Synod, to all intents and purposes whatsoever.

5. All copies and extracts, written or printed, certified by the signature of the Bishop or his commissary, or of the secretaries of the said Synod for the time being, to be true copies of or extracts from the journals of the said Synod, shall be received as proof in all courts and elsewhere, without any other evidence being necessary as to the contents thereof, and shall be held authentic and correct until the contrary be proved.

6. The rector, or incumbent, and church-wardens and their successors of every church, parish, mission or congregation in the said diocese already duly constituted and appointed, or who may hereafter be duly constituted and appointed under or in virtue of the regulations of the said Diocese or canons of the said Synod shall be incorporated and form a body politic and corporate, under the name of the “Rector (*or Incumbent*) and Church-wardens of the Church (*or Parish, & c.*) of (*designate the Church*) of (*name the place*)” with all the rights, powers and privileges incident or belonging to like corporations; and shall for all purposes represent the church, parish, mission or congregation for which they are constituted and appointed; and shall have the possession, management and administration of all property and temporalities belonging thereto, which shall be vested in them, and may, subject to such rules and regulations as may be made from time to time by the said Synod, let, mortgage or hypothecate, exchange, sell, alienate, dispose of and replace, whenever it may be deemed expedient so to do, all property of every kind, moveable and immovable, belonging to such church, parish, mission or congregation; and every deed or conveyance which by law may now be made to any rector or parson, or other incumbent may hereafter be made to any rector, parson, or other incumbent, and Church-wardens and their successors.

7. Nothing in this Act contained shall be construed to affect the rights of any parsonage or rectory now established by letters patent, or of any proprietary chapel; nor to sanction the disposal of any property in a manner contrary to the terms of the title under which the same is held; nor to create give or confer any permission, right, power or authority to mortgage or hypothecate any church, or lot of ground upon which a church may stand or be built, or any church yard or lot of ground forming the immediate enclosure of any church, whether the same be used as a grave yard or not, or any grave yard, cemetery or burial place, whether adjacent to a church or situate elsewhere.

8. The said Bishop may, and he is hereby authorized and empowered to assign, transfer and convey to any body duly incorporated, or which may hereafter become incorporated, all moneys, securities, funds, and other property, moveable and immovable, by him received, or hereafter to be received, in trust for such body before its incorporation; provided such transfer and conveyance be not inconsistent with or contrary to the conditions, purport or intent of the trust.

9. The present Act shall come into force on the day of its sanction.

