



CHAPTER 90

An Act respecting *Les Clercs de Saint-Viateur*

[Assented to, the 29th of April, 1941]

WHEREAS *Les Clercs paroissiaux ou catéchistes de Saint-Viateur* has by its petition, represented: Preamble.

That it was constituted a corporation or body politic by the act 12 Victoria, chapter 144, subsequently amended by the acts 40 Victoria, chapter 58, and 61 Victoria, chapter 87;

That the corporation having expanded considerably since it was established in Canada, and having founded a number of establishments at different points in the Province, it has been necessary to divide the territory in which its activities were carried on into two distinct religious provinces, one of which, the religious province of Joliette, comprises the diocese of Joliette and those counties on the north shore of the St. Lawrence river which lie to the east of that diocese as well as the counties of Abitibi and Temiscamingue; and the other, the province of Montreal, comprises the Island of Montreal, the south shore of the St. Lawrence river and the rest of the Province of Quebec;

That each of these two religious provinces is now governed by a provincial superior and a council of obedience;

That it is necessary that the present corporation be replaced by two separate civil corporations, one for the religious province of Joliette and the other for the religious province of Montreal;

That it is expedient, in order to avoid any confusion, to give each such corporation a specific name and to define and further increase their rights and powers;

That it is also expedient, considering their importance and their needs, to incorporate as separate corporations

two secondary teaching institutions belonging to the petitioner namely: the Seminary of Joliette, at Joliette, and Bourget College, at Rigaud in the county of Vaudreuil;

That this petition is made with the approval of Their Excellencies the Archbishop of Montreal and the Bishops of Joliette and Valleyfield; and

Whereas it is expedient to grant the prayer contained in the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Incorporation.

1. The reverend fathers Sylvestre Sylvestre and Paul Maurice Farley and reverend brother Joseph Roméo Larue, all residing at Joliette and respectively provincial, assistant-provincial and *économiste* of the said community, *Les Clercs de Saint-Viateur*, for their religious province of Joliette aforesaid, as well as all other persons in religious orders who now are or who shall hereafter be considered by the said community as members thereof in the said province, are constituted a body politic and corporate under the name of "*Les Clercs de Saint-Viateur de Joliette*", with all the rights, civil and politic, privileges, immunities and ordinary powers belonging to corporations.

Name.

Incorporation.

2. The reverend fathers Louis Philippe Fafard and Alphonse Gauthier and reverend brother Louis Osias Jalbert, all residing at Outremont, and respectively provincial, assistant-provincial and *économiste* of the said community for their religious province of Montreal aforesaid, as well as the other persons in religious orders who now are or shall hereafter be considered by the said community as members thereof, in the said province, are constituted a body politic and corporate under the name of "*Les Clercs de Saint-Viateur de Montréal*", with all the rights, civil and politic, privileges, immunities and ordinary powers belonging to corporations.

Name.

Corporate seats.

3. The corporate seat of the corporation "*Les Clercs de Saint-Viateur de Joliette*" shall be in the city of Joliette and that of the corporation "*Les Clercs de Saint-Viateur de Montréal*" shall be in the city of Outremont.

4. Each corporation shall have perpetual succession Powers. and may, in its own name:

- a. Have a common seal which it may alter at will;
- b. Appear before the courts in the same manner as any other person;
- c. Generally perform all the acts and exercise all the rights and privileges of ordinary civil corporations and particularly of such as have spiritual, religious or moral aims;
- d. Change its corporate seat whenever it may see fit, provided that the same remain in the Province of Quebec; and such change may be made by a mere resolution of its council and shall take effect from and after the publication of a notice thereof in the *Quebec Official Gazette*;
- e. Accept, acquire and possess, in any manner permitted by law, rights and moveable and immoveable property of any nature whatsoever, provided the net annual revenue from the immoveables belonging to the corporation and possessed by it for revenue purposes does not exceed five hundred thousand dollars;
- f. Administer its property and draw the revenues thereof, sell, exchange, alienate, lease, hypothecate, mortgage and pledge or otherwise deal with the same;
- g. Contract, become bound, bind others toward it and transact within the limits of its powers;
- h. Receive gifts and legacies;
- i. Borrow on the credit of the corporation, in any manner permitted by law, all sums required to attain the objects for which it is incorporated;
- j. Issue bonds or other titles of debt and securities of the corporation and sell, exchange, pledge or give the same in guarantee;
- k. Become a party to bills of exchange, promissory notes or other negotiable instruments, within the limits of its powers;
- l. Hypothecate and mortgage or pledge the moveable or immoveable property, present or future, of the corporation, to assure the payment of its bonds or other securities or give a part only of such guarantees for the same object; and constitute any hypothec, mortgage or pledge mentioned in this sub-paragraph, by a deed of trust, in accordance with chapter 227 of the Revised Statutes, 1925, and its amendments, or in any other way;
- m. Hypothecate or mortgage the immoveables, or pledge or otherwise affect in any way the moveable

property of the corporation, or give such various guarantees, to secure the payment of loans made otherwise than by bond issue, as well as the payment or execution of other debts, contracts and undertakings of the corporation;

n. Found, establish and maintain juvenates, novitiates, scholasticates, asylums, orphanages, agricultural schools and model farms, colleges, schools, boarding-schools, establishments for study or for instruction and retreat and all other charitable, educational or social works now or hereafter required by the needs of the times; erect such buildings as are suitable for such purposes in each locality where it has an establishment, and establish upon its properties, in conformity with the conditions and formalities required by law and the regulations of the Board of Health of the Province of Quebec, cemeteries, vaults or crypts for the disposal of the mortal remains of the members or benefactors of the corporation or of any other person in any way connected with the corporation;

o. Print, publish, buy and sell class-books, stationery, pamphlets, manuals and other publications capable of being in any way useful to its teachers and pupils and conducive to the advancement of the works of the corporation, on conforming to the provisions of the Education Act;

p. Carry on the industrial and manufacturing undertakings now in operation and others of a like nature, in its various establishments, subject nevertheless to the ordinary provincial and municipal rules and regulations, provided that the output thereof be used exclusively for the maintenance of its works;

q. Make by-laws, ordinances and rules relating to its organization, government and management; the admission and expulsion of its members; the formation of its council; the number, election and powers of its officers; the functions of each of its members; the administration of its property and affairs and the employment of its funds; the perpetuation of its existence; the attainment of its objects; and generally for the direction of its works and the exercise of all its powers;

r. Appoint officers, procurators and administrators and define their respective powers.

Council of
manage-
ment

5. Each corporation shall be represented, governed and administered by a council of management composed of a provincial superior, an assistant-superior,

an *économe* and the other members now or hereafter prescribed by its rules, statutes and by-laws, which shall be known by the name of "The Council of Management of *Les Clercs de St-Viateur de Joliette* (or *de Montréal*", as the case may be.

All the rights of the corporation shall be exercised and its duties performed by such council, which may delegate its powers to one of its members or to any other member of the corporation; and the acts of the members thus authorized shall be as binding as if made and passed by the council of management itself.

Exercise of rights.

6. The council of management shall alone exercise the rights of ownership over the property of the corporation and shall alone have the possession thereof, to the exclusion of all other members except those authorized for such purpose by the council itself in the case of the preceding section.

Exclusive powers of council of management.

7. The reverend fathers Alphonse de Grandpré, Louis Joseph Lefebvre and Fabien Moisan, all residing at Joliette and respectively superior, assistant-superior and *économe*, and the other persons who now compose with them the council of the Seminary of Joliette, and those who may hereafter succeed them in office, are constituted a corporation under the name of "*Le Séminaire de Joliette*", with corporate seat in the city of Joliette.

Incorporation.

Name.

8. The reverend fathers Wilfrid Sénécal and François Xavier Forest and reverend brother Raymond Valois, all residing in the town of Rigaud and respectively superior, assistant-superior and *économe*, and the other persons who now compose with them the council of Bourget College, and those who may hereafter succeed them in office, are constituted a corporation under the name of "*Le Collège Bourget*", with corporate seat in the town of Rigaud, in the county of Vaudreuil.

Incorporation.

Name.

9. Each of the corporations mentioned in the two preceding sections shall have perpetual succession and may, in its own name:

Powers.

- a. Have a common seal, which it may alter at will;
- b. Appear before the courts in the same manner as any other person;
- c. Generally perform all the acts and exercise all the rights and privileges of ordinary civil corporations;

d. Accept, acquire and possess, in any manner permitted by law, rights and moveable and immoveable property of any nature whatsoever, provided that the annual revenue from the immoveables belonging to and possessed by it for revenue purposes shall not exceed one hundred thousand dollars;

e. Administer its property and draw the revenues thereof, sell, exchange, alienate, lease, hypothecate, mortgage and pledge or otherwise deal with the same;

f. Contract, become bound, bind others toward it and transact within the limits of its powers;

g. Receive gifts and legacies;

h. Borrow, upon the credit of the corporation, in any manner permitted by law, all sums of money required to attain the objects for which it is incorporated;

i. Become a party to bills of exchange, promissory notes or other negotiable instruments, within the limits of its powers;

j. Make by-laws, ordinances and rules relating to its organization, government and management; the formation of its council; the number and powers of its officers; the functions of each of its members; the administration of its property and affairs and the employment of its funds; the perpetuation of its existence; the attainment of its objects; and generally for the direction of its works and the exercise of all its powers.

Property of corporations automatically transferred.

10. Upon the coming into force of this act, all the property, of whatsoever nature, situated in the above-mentioned territory forming the religious province of Joliette and belonging to the said *Les Clercs paroissiaux ou catéchistes de Saint-Viateur*, except that held and administered for them by the council of the Seminary of Joliette, shall automatically become the property of the new corporation "*Les Clercs de Saint-Viateur de Joliette*", and all such property, situated in the territory forming the aforesaid religious province of Montreal and belonging to the said *Les Clercs paroissiaux ou catéchistes de Saint-Viateur*, except the property held and administered for them by the council of Bourget College, shall automatically become the property of the new corporation "*Les Clercs de Saint-Viateur de Montréal*"; and all the property of whatsoever nature held and administered by the council of the *Séminaire de Joliette* shall automatically become the property of the corporation "*Le Séminaire de Joliette*", and all the property held and administered

by the council of *Collège Bourget* shall automatically become the property of the corporation "*Le Collège Bourget*", without any deed of transmission being necessary between *Les Clercs paroissiaux ou catéchistes de Saint-Viateur* and the corporation succeeding thereto.

Such transmission shall be recorded by the registra-^{Registration.} tion, in the registry office of the division in which each immoveable is situated, of a declaration containing the description of such immoveable and the name of the corporation which becomes owner thereof.

Furthermore, the said transmissions shall not be<sup>Interpreta-
tion.</sup> regarded as violating the conditions imposed upon *Les Clercs paroissiaux ou catéchistes de Saint-Viateur* by the deed of donation granted on the 4th of February, 1850, before Mtre. J. O. Leblanc and colleague, notaries, by the Honourable Barthélemy Joliette and Dame Charlotte Tarrieu Taillant de Lanaudière, his wife, which forbade them to alienate the usufruct of the immoveables which were the object of the said donation.

11. The properties which serve the establishments<sup>Properties
exempt from
church
assessments.</sup> of the aforesaid corporations in which chapels for religious worship are built shall be exempt from assessments levied for the erection and repair of churches and presbyteries.

12. The acts 12 Victoria, chapter 144; 40 Victoria,<sup>12 Vict., c.
144; 40 Vict.,
c. 58; 61 Vict.,
c. 87. repeal-
ed.</sup> chapter 58, and 61 Victoria, chapter 87, are repealed.

13. No deed, agreement or contract to which *Les Clercs paroissiaux ou catéchistes de Saint-Viateur* was a party since the creation of the two provinces above-mentioned shall be invalidated or declared void for the sole reason that it has not been authorized by the council of management contemplated by the act 12 Victoria, chapter 144, as amended by the acts 40 Victoria, chapter 58, and 61 Victoria, chapter 87, if it has been authorized by the council of management of one of the said provinces.<sup>Deeds, etc.,
not affected
by lack of
authoriza-
tion.</sup>

14. This act shall come into force the day of its<sup>Coming
into force.</sup> sanction.

