



CHAPTER 113

An Act respecting the Trustees of the Parish of Notre-Dame-des-Neiges

[Assented to, the 17th of May, 1940]

WHEREAS the trustees of the parish of Notre-Dame-des-Neiges, in the diocese of Montreal, a corporation established under the Parish and Fabrique Act (Revised Statutes, 1925, chapter 197, have, by their petition, represented: Preamble.

That they were authorized to build a parish church with sacristy which has been finished and turned over for worship, and that in order to provide for the payment of the expenses incurred in the execution of this undertaking, they obtained, by an order of the commissioners for the purposes of the Parish and Fabrique Act in the diocese of Montreal, rendered on the 5th of May, 1939, permission to levy, over a period of thirty years, by assessment on the real estate of the said parish belonging to Roman Catholics, the capital and interest of a sum of one hundred and sixty thousand, nine hundred and sixty-eight dollars, with the additional fifteen per cent required by law to cover deficits, and with the costs incurred through the levying and collection of the assessments;

That according to this permission, the trustees have prepared an act of assessment which the commissioners homologated on August 25th, 1939, ordering that the assessments therein mentioned be exigible in thirty equal annual instalments becoming due on September 1st in each year, from the first of September, 1939, inclusively, with interest at the rate of five per cent per annum from the date of each maturity;

That in order to obtain immediately the sums required to pay for the construction of the church and sacristy, the trustees, duly authorized as required by law, raised a loan by issuing and selling bonds for a total sum of one hundred and sixty thousand and five hundred dollars bearing interest at the rate of four per cent yearly and repayable in series distributed over a period of thirty years, and that, to guarantee such loan, they transferred to the trustee representing the bondholders the sums to be collected under the above-mentioned act of assessment, but reserving to themselves the right to ask for the passing of a special act under which the apportionment now existing would be replaced for the future by another apportionment imposed and collected by means of annual acts of assessment and with a privilege on the immoveables affected to the extent only of the assessments imposed and due;

That, in the parish of Notre-Dame-des-Neiges, there are a great many immoveables not yet built upon, belonging to corporations and to persons of different nationalities and religions; that building is quite active there and transfers of property frequent; that the maintenance in force of the apportionment imposed under the provisions of the general law would, to the prejudice of Roman Catholics, result in hindering transfers of their properties, and in placing them in a position of inferiority as to corporations and persons practising a different religion, and that it would be just and equitable that the presently existing apportionment be rescinded for the future, and that it be replaced by another apportionment imposed by means of acts of assessment which the trustees may draw up, every year or every two years, and themselves homologate without being obliged to have recourse to the commissioners for the purposes of the Parish and Fabrique Act, the properties subject to such apportionment to be affected by hypothec only to the extent of the assessments effectively imposed;

Whereas the trustees for the parish of Notre-Dame des-Neiges accordingly pray that their rights and powers for the purposes above set forth be defined and determined by a special act;

Whereas the freeholders of the said parish at their meeting held on the 30th of April, 1939, have passed a resolution charging the petitioners to apply for the

passing of such an act and that His Excellency the Archbishop of Montreal has approved such resolution; and

Whereas they have prayed for the passing of an act for the above purposes and 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:

1. The trustees of the parish of Notre-Dame-des-Neiges in the diocese of Montreal, and their successors, shall have the powers and be bound by the obligations hereinafter mentioned, and they shall continue to fulfil their duties according to the provisions of the general law concerning parish trustees, subject to any derogation, express or implied, contained in the present act.

Powers and duties of trustees.

2. All acts done by the trustees, and all contracts and engagements entered into by them, prior to the coming into force of this act, shall have full effect under the provisions of law then existing.

Effect of prior acts, etc.

3. The act of assessment prepared by the trustees under date of August 1st, 1939, is and shall be annulled for all the instalments not yet due and such instalments shall not be exigible.

Act of assessment annulled for instalments not due.

As to the instalments previously due and remaining unpaid, the trustees shall have the right to recover them as if this act had not been passed.

Instalments previously due, etc.

4. In future, the trustees are authorized to collect by apportionment on the immoveables forming part of the territory of the parish and belonging to Roman Catholics, following the method contemplated in the following sections, a sum sufficient to pay in a period of twenty-nine years from the 1st of June, 1940, the interest, the annuities or the sinking-fund, as the case may be, of the present loan by the trustees or of any refunding loan they may raise. The trustees may add to such sums the costs incurred for the passing of this act, the expenses which may be entailed by imposing and collecting the assessments and the fulfilling of their duties, as well as the sum deemed necessary to cover deficits.

Levies authorized.

Act of assess-
ment.

Deposit of
act of assess-
ment.

Homologa-
tion.

When assess-
ments due,
etc.

Limitation of
privilege.

5. Within the first fifteen days of the month of August, 1940, and at the same period of each subsequent year, or, at their discretion, every two years, the trustees shall prepare an act of assessment based on the value of the taxable immoveables of the parish, as established on the municipal valuation roll then in force in the city of Montreal. The first Sunday after the fifteenth of August, the trustees shall deposit such act of assessment at the parish presbytery and shall leave it exposed to view there for at least ten days, so that any interested person may examine it between nine o'clock in the morning and five o'clock in the evening of every day; on the same Sunday and the following Sunday, they shall have a notice given by the rector or the officiating priest, which shall be read with the announcements at the parochial mass and posted up at the church door and which shall indicate the deposit of the act of assessment as well as the place, the day and the time when the trustees will receive and hear complaints or oppositions that interested persons may produce in writing or make orally.

After having heard such complaints or oppositions, if any, the trustees shall homologate the act of assessment after having corrected or modified it, if needed, in such manner as may seem to them fair and equitable, and thereupon the act of assessment shall come into force without any other formality and shall have the same effect as if it had been homologated by the commissioners for the purposes of the Parish and Fabrique Act.

6. The assessments shall become exigible, on the 15th of September, of each year, counting from the 15th of September, 1940, inclusively, from the ratepayers mentioned in the act of assessment. They shall be payable without demand to the secretary-treasurer or the collector of the trustees and shall bear interest, *pleno jure*, at the rate of five per cent per annum, sixty days after becoming due.

7. The privilege attaching to trustees' assessments, as determined by sections 69 and 70 of the Parish and Fabrique Act and article 2011 of the Civil Code, shall be limited to the assessments due and to the assessments imposed for the current year or for the two years, as the case may be, as fixed in the acts of assessment

authorized by this act; and whenever, at any time, an immoveable already assessed is transferred by sale or otherwise to a corporation or to a non-Roman Catholic or to a Roman Catholic belonging to a parish of a different nationality or language, in the same territory, such immoveable shall become exempt from all future assessments as long as it shall belong to said corporation or person.

8. Assessments imposed under this act shall be ^{Prescription.} prescribed five years after becoming due.

9. The trustees may appoint a secretary-treasurer ^{Secretary-treasurer.} and pay him such salary as they may see fit. Such officer shall have the attributions and duties determined by the Parish and Fabrique Act.

The trustees, if they prefer, may entrust the col- ^{Collection of} lection of assessments to a person other than their ^{assessments.} secretary-treasurer, or to a company having its head office in Montreal, and they may allow, for the purpose, such remuneration as they may deem sufficient.

10. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}

