



CHAPTER 118

An Act concerning *La Congrégation des Petits Frères de Marie dits Frères Maristes* and Laval College

[Assented to, the 25th of April, 1940]

WHEREAS *La Congrégation des Petits Frères de Marie dits Frères Maristes* has, by its petition, represented: Preamble.

That by a deed of donation passed on October 1st, 1856, before Messrs J. B. Constantin and L. P. Provost, notaries, Césaire Germain gave, ceded, freed, made over and abandoned in favour of *Messire* Norbert Lavallée, priest, rector of the parish of St. Vincent de Paul, founder of Laval College, a certain land situated in the said parish of St. Vincent de Paul, containing about two arpents and three-quarters frontage, by a depth of about five arpents, less twenty-five feet in depth, the whole without warranty of exact measure, as given by pickets and boundary marks known to the parties, adjoining in front the said donor and another part the proposed St. Norbert street not yet opened, in rear and on the northeast side the same donor, and on the other side, towards the southwest, Romain Sozer, without buildings;

That such donation was made under the condition that the revenues of the said land be appropriated and used for the establishment, support, maintenance and growth of Laval College, without the transferees or donees being entitled to sell, exchange or otherwise alienate the said land under any pretext whatsoever;

That, notwithstanding the prohibition to alienate stipulated in the said deed, the said rector Norbert

Lavallée had permission to transfer the said land in particular to the rector and churchwardens of the *œuvre et fabrique* of the parish of St. Vincent de Paul by donation *inter vivos* or by will, under the conditions and restrictions mentioned in the said deed;

That by his holograph will of September 24th, 1859, probated on November 7th, 1881, *Messire* Norbert Lavallée, rector of the parish of St. Vincent de Paul, did in fact bequeath the said land with buildings thereon erected and known under the name of Laval College, to the *œuvre et fabrique* of the parish of St. Vincent de Paul, under the conditions and restrictions mentioned in the above-mentioned deed of donation and under the special condition of maintaining a superior school there;

That by a deed of transfer passed before L. E. Germain, notary, on September 30th, 1895, registered in the registry office for the county of Laval on December 19th, 1895, under No. 17124, the *œuvre et fabrique* of the parish of St. Vincent de Paul duly authorized by a meeting of the old and new churchwardens and also of the freeholders and other persons dwelling in the said parish, assigned and transferred, as it was entitled to do under the terms of the deed of donation from Césaire Germain, but subject to the clauses, conditions and restrictions contained in the said deed of donation, to the *Congrégation des Petits Frères de Marie dits Frères Maristes*, a corporation legally constituted having its principal place of business at Iberville in the Province of Quebec, the land mentioned in the above-mentioned deed of donation and which was then known under No. 235 on the official plan and book of reference for the parish of St. Vincent de Paul, in the county of Laval;

That under the terms of the deed of transfer from the *œuvre et fabrique* of the parish of St. Vincent de Paul, the *Congrégation des Petits Frères de Marie dits Frères Maristes* agreed to respect the clauses, charges and requirements of the donation of the 1st of October, 1856, as well as the charges and conditions mentioned in the will of *Messire* Norbert Lavallée, and, in particular, to maintain a superior school and to give a complete commercial course in French and in English, permission being granted to it, in return, to make all regulations that would seem useful to it for the management of the college and even to receive boarders;

That the Honourable Senator Joseph Hyacinthe Bellerose intervened in the said deed of transfer, in his capacity of testamentary executor of his wife Henriette Armand, for the purpose of accepting the transfer made by the *œuvre et fabrique* of the parish of St. Vincent de Paul to the *Congrégation des Frères Maristes* of a legacy of five thousand dollars that the said Dame Henriette Armand had made to the said *fabrique* for educational purposes;

That the *Congrégation des Petits Frères de Marie dits Frères Maristes* undertook by the said deed of transfer to maintain the said superior school and, in case it should give up the management of the college, to hand back to the *œuvre et fabrique* of the parish of St. Vincent de Paul, the above-mentioned immoveable received by donation, with the improvements and additions made to it by the Congregation, as well as all that remained unexpended of the above-mentioned gift of five thousand dollars, without being entitled to claim in return any indemnity whatsoever;

That by this deed of transfer the transferor hypothecated by special privilege the immoveable transferred for the purpose of guaranteeing the accomplishment of all the clauses, charges and conditions contained therein;

That during the last twenty-five years considerable improvements and additions have been made and that the extensions, in themselves, to buildings have occasioned, for the *Congrégation des Frères Maristes*, an expenditure of over one hundred and fifty thousand dollars;

That the number of pupils is increasing constantly and that it will be necessary to proceed with new extensions because Laval College has for some years lacked the facilities to properly lodge and accommodate the number applying for admission as boarders;

That the *Congrégation des Petits Frères de Marie dits Frères Maristes* is willing to incur in the near future the cost of enlarging the Laval College, but that the complications and restrictions resulting from the titles have become an obstacle to all progress;

That the Board of School Commissioners of St. Vincent de Paul needs, on its part, a larger number of classes for the children of the parish;

That, for the purpose of permitting Laval College to better carry on the educational work which its first

benefactors had in mind, and to facilitate the building of a parochial school which the board of school commissioners intends to erect, an understanding has been entered into by the Board of School Commissioners of St. Vincent de Paul and the *Congrégation des Petits Frères de Marie dits Frères Maristes*, according to which the Congregation has agreed to pay to the said board of school commissioners a sum of fifteen thousand dollars as a contribution towards the building of the proposed school, and to supply the school board with professors for the said new school, for five years, in consideration of a salary of five hundred dollars per annum for each professor, provided that the *Congrégation des Petits Frères de Marie dits Frères Maristes* obtain in return a special act of the Legislature of the Province of Quebec declaring the Congregation the one and only owner of the lands and buildings now composing Laval College and relieve it from all obligations whatsoever towards the *œuvre et fabrique* of the parish of St. Vincent de Paul, the Board of School Commissioners of St. Vincent de Paul, the Cesaire Germain Estate and the Henriette Armand-Bellerose Estate, with the exception of the above-mentioned fifteen thousand dollars as well as the services of the aforesaid professors;

That the Board of School Commissioners of St. Vincent de Paul, as well as the *Œuvre et Fabrique* of the parish of St. Vincent de Paul, and also the freeholders and other resident householders in the said parish at a meeting held for that purpose, have consented and do consent that the prayer contained in the said petition be granted by the Quebec Legislature to give effect to the arrangement made between the *Congrégation des Petits Frères de Marie dits Frères Maristes* and the Board of School Commissioners of St. Vincent de Paul, and thus promote the interests of teaching;

Whereas a prayer to the above effect is contained in the said petition, and whereas it is expedient to grant such prayer;

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

Declaration
of owner-
ship.

1. The *Congrégation des Petits Frères de Marie dits Frères Maristes*, already owner under certain conditions of the land known and designated as lot No. 235

of the parish of St. Vincent de Paul, in the county of Laval, as well as of the buildings thereon erected and called Laval College, is declared to become, from the coming into force of this act, the sole and only owner of all the land hereinabove described as well as of all the buildings thereon erected, without any restriction, reserve or conditions whatsoever as to the right to possess, occupy, use, exploit, pledge, hypothecate, exchange, sell or otherwise alienate the said properties, notwithstanding any donation, will or agreement which may have affected the same hitherto.

2. Upon the deposit of a certified copy of this act, the registrar of the registration division for the county of Laval is authorized, with respect to the immoveable known as lot No. 235 of the cadaster of the parish of St. Vincent de Paul, in the county of Laval, to cancel all hypothecs, charges and privileges whatsoever, affecting the said immoveable under the terms of the deed of donation granted by Césaire Germain to *Messire* Norbert Lavallée, priest, on October 1st, 1856, before J. B. Constantin and L. P. Provost, notaries, and registered at the registry office of the county of Laval on April 20th, 1858, under No. 188; under the terms of the will of the late Norbert Lavallée, priest, made on September 24th, 1859, duly probated by judgment of the prothonotary of the Superior Court for the district of Montreal, rendered on November 7th, 1881, under No. 1037 of the records of the said court and registered in the registry office of the county of Laval, on February 13th, 1882, under No. 10738; under the terms of the deed of transfer granted by the *œuvre et fabrique* of the parish of St. Vincent de Paul in favour of *La Congrégation des Petits Frères de Marie dits Frères Maristes* in which the Honourable Joseph Hyacinthe Bellerose intervened, in his capacity as testamentary executor of his wife, Henriette Armand, on September 30th, 1895, before L. E. Germain, notary, and registered in the registry office for the county of Laval on December 19th, 1895, under No. 17124; as well as under the terms of the act 4 George V, chapter 162, sanctioned on the 19th of February, 1914.

3. The deed of agreement entered into between *La Congrégation des Frères Maristes* and the Board of School Commissioners of the Village of St. Vincent de Paul, in the county of Laval, on May 10th, 1911, and

modified by the act 4 George V, chapter 162, is annulled from the coming into force of the present act, and replaced by the obligation for the *Congrégation des Frères Maristes* to pay to the Board of School Commissioners of St. Vincent de Paul a sum of fifteen thousand dollars as a contribution towards the building of the proposed school by the said Board of School Commissioners, and to supply the said Board of School Commissioners of St. Vincent de Paul with professors for the said new school, during five years, in consideration of a salary of five hundred dollars per annum for each professor thus supplied by the *Congrégation des Frères Maristes*.

Provisions
repealed.

4. The provisions of the act 4 George V, chapter 162, which are inconsistent with the provisions of this act, are repealed.

Borrowing
powers.

5. *La Congrégation des Petits Frères de Marie dits Frères Maristes* is by this act authorized to borrow from time to time by the issue of bonds or otherwise, and to charge the properties of Laval College with hypothecs or otherwise, whenever it may need to do so for purposes of improvements, enlargements, or the consolidation of debts, provided that in no such case the total amount of existing indebtedness exceed the sum of three hundred thousand dollars.

Coming into
force.

6. This act shall come into force on the day of its sanction.