



CHAPTER 130

An Act respecting the trustees for the parish of St. Jérôme de Lac Saint-Jean

[Assented to, the 30th of March, 1939]

WHEREAS the trustees for the parish of Saint Jérôme de Preamble.
Lac Saint-Jean, a legally constituted corporation having its place of business at St. Jérôme, county of Lake St. John, have, by their petition, represented:

That, under the provisions of the Parish and *Fabrique* Act, the trustees for the parish of Saint-Jérôme de Lac Saint-Jean borrowed an amount of one hundred and sixty thousand dollars bearing interest at the rate of five and one-half per cent per annum and falling due from 1927 to 1941, by means of bond issue made under the terms of a trust deed passed before Oscar Hamel, notary, on the 30th of June, 1926, and that, as security for the repayment of such loan in principal, interest and incidentals, the trustees were authorized by the freeholders and by the Commissioners for the civil erection of parishes in the diocese of Chicoutimi to levy an assessment on the property of the freeholders which was transferred to the fiduciary by the terms of the aforesaid deed;

That, as a result of the general and local economic conditions, the corporation of The Trustees for the Parish of Saint-Jérôme de Lac St-Jean was unable to collect a sufficient amount of assessment to meet its financial obligations under the terms and conditions of such trust deed;

That a general meeting of the holders of bonds of the said trustees, issued under the terms of the trust deed of the

30th of June, 1926, was called for the 28th of September, 1938, and was regularly held on the said date, in conformity with the provisions of the said trust deed;

That an extraordinary resolution was there and then regularly unanimously adopted by the holders present or represented and being owners of one hundred and seven thousand two hundred dollars of the said outstanding bonds amounting to one hundred and fifty-three thousand five hundred dollars, for the purpose of amending the said trust deed so as, in particular, to reduce the rate of interest on the said bonds and to extend their maturity period;

That, in order to give effect to the said extraordinary resolution, a new trust deed will have to be entered into between the Trustees for the parish of Saint-Jérôme de Lac Saint-Jean and the *Société Nationale de Fiducie* which replaced as fiduciary Canon J. Vaillancourt who had originally been appointed to that office by the deed of the 30th of June, 1926;

That doubts have arisen as to the power of the trustees to change the maturity of the said bonds, to consolidate certain arrears of assessment, to change the annual sums to be collected on the assessment and to extend the effect of such assessment upon the property of the freeholders as long as the present debt of the said trustees shall not have been extinguished, and that it is, therefore, necessary to authorize them thereto by a special act;

That it is needful to extend the term of office of the present trustees or of their successors until the complete reimbursement of the present debt of one hundred and fifty-three thousand five hundred dollars;

That the competent religious authority has given approval to such financial reorganization and to the present act; and

Whereas they have prayed for the passing of act to the above effect and it is expedient to grant their prayer;

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

Validation of
certain extra-
ordinary re-
solution.

1. The extraordinary resolution, unanimously adopted by the holders of bonds of The Trustees for the Parish of Saint-Jérôme de Lac Saint-Jean, present and representing

more than the half of the outstanding bonds at the meeting of the bondholders held on the 28th of September, 1938, in accordance with the provisions of a trust deed passed before Oscar Hamel, notary, on the 30th of June, 1926, is ratified for all legal purposes and declared compulsory with respect to all holders of the bonds issued under the terms of the aforesaid trust deed.

2. The unprescribed arrears of assessment which shall have accumulated as at the first of May, 1939, and the interest accrued at that date on the said arrears, shall be hereby consolidated as from the 1st of May, 1939; and such sums so consolidated shall cease to bear interest from and after the 1st of May, 1939.

Consolidation of un-prescribed arrears of assessment.

3. The sums so consolidated shall be payable in twenty-five equal and consecutive annual instalments, the first of which shall become exigible on the 1st of November, 1939. Any payment not effected at the date it becomes due shall bear interest at the rate of five per cent per annum, and the trustees may sue for the recovery thereof in the manner indicated in section 61 of the Parish and *Fabrique* Act.

How consolidated sums, payable.

Any ratepayer may pay the whole or part of the said annual instalments in advance; however, in the case of a partial payment, such payment shall apply to the oldest unpaid instalment. A discount of four per cent shall be allowed on sums paid in advance.

Advance payments.

4. The consolidated sums shall continue to constitute a first obligation and a first privileged claim upon the immoveables charged with the payment of the said sums, in conformity with section 69 of the Parish and *Fabrique* Act.

First obligation, etc.

5. Prescription shall not run upon the sums consolidated, as from the 1st of May, 1939; it shall run, however, upon each instalment contemplated in section 3, from the date of its becoming exigible.

Prescription.

6. The sale of an immoveable, even a sale having the effect of a sheriff's sale, shall not render exigible the consolidated instalments not yet due with which it is charged and the purchaser and every subsequent acquirer shall continue to benefit from the consolidation; and the instalments not yet due shall not become exigible by the seizure and sale of the immoveable and shall not be entered in the collocation roll but shall continue to affect the immoveable.

Consolidated instalments not rendered exigible by sale.

Keeping of special register by trustees.

7. The trustees shall keep a special register in which shall be entered the surname and Christian names of each ratepayer whose arrears of instalments shall have been consolidated, his address, the description of each immovable charged with the sums consolidated, the total amount of such arrears and the amount which each ratepayer shall pay each year.

Making of annual act of assessment authorized.

8. Until the new bonds, representing the present debt of the Trustees for the Parish of Saint-Jérôme de Lac Saint-Jean for the principal amount of one hundred and fifty-three thousand five hundred dollars, to be issued under the terms of a new trust deed made to give effect to the extraordinary resolution of the 28th of September, 1938, have been entirely repaid in principal, interest and incidentals, and until the aforesaid debt of one hundred and fifty-three thousand five hundred dollars has been entirely extinguished, the Trustees for the parish of Saint-Jérôme de Lac Saint-Jean are authorized for the purpose and must make each year an act of assessment charging all immovables situated within the limits of the parish belonging to Roman Catholics, for the purpose of levying annually the sum required to effect payment of the principal and the interest falling due under the terms of such new trust deed, and to meet the expenses of administration and maintenance, and the cost of the present financial reorganization, after deducting the sums collected by the trustees for arrears and interest on instalments.

First obligation, etc.

9. The amount of any assessment so imposed shall constitute a first obligation and a first privileged claim on the immovables subject to it, in conformity with section 69 of the Parish and *Fabrique* Act.

How act of assessment based.

10. The act of assessment shall be based upon the valuation roll, in force at the time of preparing such act, of the municipal corporation in which each of the immovables charged is situated, and shall not be submitted for the approval of the freeholders nor for the approval of the civil commissioners appointed and acting in virtue of the Parish and *Fabrique* Act.

Depositing of act of assessment.

11. Such act of assessment, when drawn up as aforesaid, shall be deposited on or before the 1st of March, or, if prevented, as soon as possible after such date, in the office of the trustees.

Notice of such deposit shall be given on the following Sunday, by being read publicly and posted up at the door of the parochial church, at the close of Divine service in the morning or, if the trustees prefer, by being read from the pulpit at the parochial mass. The assessments shall automatically become due and exigible fifteen days after such notice and shall be payable at the office of the trustees or at the office of the fiduciary according as is indicated in the aforesaid notice. Notice of such deposit.

12. Any unpaid assessment shall bear interest at the legal rate from the date of its becoming exigible and the trustees may sue for the recovery thereof in the manner indicated in section 61 of the Parish and *Fabrique* Act. Interest on unpaid assessment.

13. The trustees now in office or their successors shall continue to enjoy the powers and to be bound by the obligations of the said Parish and *Fabrique* Act, unless the said act be specially derogated from by the present act, until the present debt of the trustees amounting to one hundred and fifty-three thousand five hundred dollars has been entirely discharged in principal, interest and incidentals. Continuation of powers, etc., of trustees.

14. The trustees are authorized to sign with the fiduciary a new trust deed replacing the trust deed passed before Oscar Hamel, notary, on the 30th of June, 1926, and containing all the clauses which the trustees and the fiduciary shall deem of service to give effect to the extraordinary resolution of the 28th of September, 1938, and to the present act; and they are particularly authorized, in order to guarantee the payment of the aforesaid bonds, to transfer to the fiduciary all the sums which it is their right and duty to levy under the provisions of this act, and the power to exercise all the rights which the trustees have power to exercise under this act, in the place and stead of the said trustees if the latter fail to exercise same, as also all the rights, privileges, hypothecs and actions conferred upon the trustees by the Parish and *Fabrique* Act. Signing of new trust deed authorized.

15. The instalments falling due after the 1st of May, 1939, in connection with the act of assessment authorized by the order of the Commissioners for the civil erection of parishes in the diocese of Chicoutimi, dated the 19th of October, 1925, shall be cancelled as from the date on which Cancelling of certain instalments.

all the sums to be levied under the provisions of this act and all the above-mentioned rights of the trustees shall have been duly transferred to the fiduciary by means of a new trust deed to be made.

Coming into
force.

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