



CHAPTER 131

An Act respecting the trustees for the parish of St. David d'Escourt

[Assented to, the 28th of April, 1939]

WHEREAS the corporation of trustees for the parish of Preamble.

St. David d'Escourt, county of Témiscouata, was, on the 30th of June, 1935, declared in default and placed under the control of the Quebec Municipal Commission;

Whereas, in conformity with the Quebec Municipal Commission Act, an agreement was entered into between the said corporation and its creditors and, in accordance with the terms of the agreement, the debt then owing to the creditors has been settled;

Whereas, in order to effect such settlement, the corporation borrowed a sum of twenty thousand dollars, repayable by series, in twenty-five years, with interest at the rate of four per cent, making a total repayment in principal and interest of thirty-one thousand nine hundred and ninety-six dollars;

Whereas an act of assessment was drawn up by the trustees on the 20th of April, 1921, and the said act and the quinquennial revisions thereof have been duly homologated by the commissioners for the civil erection of parishes;

Whereas, on the 30th of November, 1938, there was owing to the corporation for arrears of assessment and interest accrued on the said arrears a sum of thirty-seven thousand nine hundred and twelve dollars and fifty-four cents, according to the official financial report of the corporation at the said date of the 30th of November, 1938;

Whereas such sum of thirty-seven thousand nine hundred and twelve dollars and fifty-four cents, apportioned into twenty-five equal annual instalments, will be sufficient to entirely discharge the debt of the corporation;

Whereas there is occasion to annul the instalments falling due after the 30th of November, 1938, of the act of assessment of 1921;

Whereas it is necessary to provide for the imposition of a special assessment to complete any sum required to pay the annual instalments on the debt and to provide for the expenses of administration and maintenance;

Whereas there is need to extend the term of office of the present trustees or of their successors until the complete repayment of the present debt;

Whereas the diocesan authority has recommended the passing of an act to that effect;

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

Annulling of
certain
instalments.

1. The instalments falling due after the 30th of November, 1938, of the act of assessment drawn up by the trustees for the parish of St. David d'Escourt, in the diocese of St. Germain de Rimouski, on the 20th of April, 1921, are annulled.

Consolidation of certain
arrears of
instalments.

2. The arrears of instalments which fell due before the 30th of November, 1938, under the act of assessment of 1921, including the interest on such instalments, calculated to the same date of the 30th of November, 1938, are consolidated as from the said date, except any sums owing upon the same instalments with respect to which an agreement may have been entered into between the trustees and the persons bound for the payment thereof. In such event, such agreement shall continue to have its full effect.

Interest.

The sums so consolidated cease to bear interest as from the 30th of November, 1938.

Payment by
instalments.

3. The sums so consolidated shall be payable in twenty-five equal and consecutive annual instalments, the first whereof shall become exigible on the 1st of August, 1939, and the subsequent instalments at the same date in each subsequent year.

Any payment not effected within thirty days of its becoming exigible 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 (Revised Statutes, 1925, chapter 197). Interest on unpaid instalments.

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 and application thereof.

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

5. Prescription shall not run upon the sums consolidated, as from the 30th of November, 1938; it shall run, however, upon each instalment contemplated in section 3, from the date of its becoming exigible. Prescription.

6. The sale of an immovable, 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 immovable and shall not be entered in the collocation roll but shall continue to affect the immovable. Exigibility of instalments not yet due.

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 falling due prior to the 30th of November, 1938, 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. Keeping of special register.

8. The trustees for the parish of St. David d'Escourt may make, every year during a period of twenty-five years, an act of assessment charging all immoveables situated within the limits of the parish belonging to Roman Catholics, for the purpose of completing, if need be, the sums required to effect payment of the principal then due upon Making of annual act of assessment.

the loan mentioned in the preamble and the interest accrued on the said loan, and to meet the expenses of administration and maintenance, 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 immoveables subject to it, in conformity with section 69 of the said Parish and *Fabrique* Act.

How act of
assessment to
be based, etc.

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 immoveables charged is situated, and shall not be submitted for the approval of the civil commissioners appointed and acting in virtue of the said Parish and *Fabrique* Act.

Depositing of
act of assess-
ment.

11. Such act of assessment, when drawn up as afore-said, shall be deposited on or before the 1st of March, in the office of the trustees.

Notice of
deposit.

12. Notice of such deposit shall be given on the following Sunday, 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, read from the pulpit at the parochial mass.

Exigibility,
etc., of as-
sessments.

13. The assessments shall become due and exigible one month after the notice given under the preceding section and shall be payable at the office of the trustees or their successors.

Interest on
unpaid
assessments.

14. 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.

Continuing
certain
powers, etc.

15. 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 corporation shall have been entirely discharged.

Coming into
force.

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