



CHAPTER 149

An Act to amend the charter of *Les Pères Bénédictins de Saint-Benoît-du-Lac* and to detach their immoveables from the municipality of Austin to form a separate municipality under the name of Saint-Benoît-du-Lac

[Assented to, the 16th of March, 1939]

WHEREAS the Benedictine monks of St. Benoit-du-Lac, Preamble. incorporated by the act 17 George V, chapter 111, have, by their petition, represented that there is need:

- a. to detach their domain from the municipalities of which it now forms part, to enable the said Benedictines to continue their work successfully;
- b. to effect changes in their charter in order to better define the objects of their Order;
- c. to modify the manner of administering the corporation in conformity with its constitution, and other purposes; 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:

1. The following immoveable property, including the buildings, belonging to the corporation of *Les Pères Bénédictins* and known on the official cadastre of the township of Bolton, in the registry office of the county of Brome, under the following numbers: (a) the lots 1701 to 1715 inclusive in the 12th range; (b) the lots 1458, 1536-12, 1717-1, 1716-1, 1632 to 1645 inclusive and 1647-1 in the 11th range, are detached, for all purposes, from the jurisdiction Property to constitute new municipality of Saint Benoit-du-Lac.

of (a) the municipal corporation of Austin; (b) the school board of St. Benoit-du-Lac; (c) the parish of St. Benoit-du-Lac; and (d) the county council, and shall constitute, for all purposes, a new municipality, *mutatis mutandis*, under the name of Saint-Benoit-du-Lac.

Administra-
tion of muni-
cipality.

2. There shall be no need to organize a municipal council in such municipality, which shall be administered in the same manner as the corporation itself.

Jurisdiction
over certain
public roads.

3. Subject to the provisions of the Municipal Code, every public road crossing the said municipality shall be under the exclusive jurisdiction of the said corporation.

Closing, etc.,
of certain
road.

4. The old road, called du Moulin Avenue, on the border of the corporation's territory and abandoned for over thirty years, shall be definitely closed and declared, in accordance with the second paragraph of article 467 of the Municipal Code, private property belonging one-half to the corporation of *Les Pères Bénédictins* and one-half to Mr. Eric Fisher; and the portion of the said road to be the property of the said corporation shall be included within the limits of the municipality of Saint-Benoit-du-Lac created by the present act.

Closing, etc.,
of portion of
certain public
road.

5. The portion of the public road called Frontenac Avenue which crosses the corporation's territory, between the property of Mr. Elwin Bryant, on the north, and that of Mr. Eric Fisher, on the south, is declared closed and the private property, in its entirety, of the corporation of *Les Pères Bénédictins*, in exchange for the new road constructed by the said corporation and hereby declared public, in accordance with the third paragraph of article 467 of the Municipal Code.

Lot assigned
to corpora-
tion.

6. The lot bearing number 1715, included in the corporation's domain since 1912, and not claimed since 1912, is definitely assigned to the said corporation.

Riparian
rights.

7. The riparian rights affecting that portion of the corporation's territory bordering on Lake Memphremagog are assigned to the said corporation exclusively.

Electoral
purposes.

8. The new territory shall be deemed, for provincial and federal electoral purposes only, to form part of the municipality of Austin.

9. The lots and immoveables, contiguous to the territory of the new municipality hereby erected, acquired by it in future, shall be annexed to it *ipso facto*, but shall remain subject to the payment of the share of the debts then existing.

10. The second paragraph of the preamble of the act 17 George V, chapter 111, is replaced by the following: 17 Geo. V, c. 111, preamble am.

“That they have founded at St. Benoît-du-Lac, in the electoral district of Brome, with the approval of the Ordinary of the Diocese of Sherbrooke, an establishment of their Order, for religious purposes in connection with such Order, to wit, the practice of the Roman Catholic religion, with intellectual and manual labour.”

11. Sections 4 and 5 of the said act are replaced by the following: 17 Geo. V, c. 111, ss. 4, 5, replaced.

“**4.** The corporation shall be administered in accordance with its constitution, namely: Administration.

a. Any extraordinary expenditure of over one thousand dollars shall, under pain of nullity, be within the exclusive jurisdiction of the Chapter of the corporation, by the majority of the votes, which Chapter is composed of the solemnly professed monks of the said corporation. (Constitution, chapter 3, paragraph 13); Jurisdiction over certain extraordinary expenditure.

b. Any extraordinary expenditure of over five hundred dollars and under one thousand dollars shall be within the exclusive jurisdiction, under pain of nullity, of the Council of the corporation, by the majority of the votes. The said Council shall be formed by a certain number of the members of the Chapter. (Constitution, chapter 21, paragraph c); Idem.

c. All other expenditure, as well as that connected with ordinary administration, shall, for any sum under five hundred dollars be within the jurisdiction of the Superior (Abbé or Prior) of the corporation, and, for any sum under one hundred dollars, within the jurisdiction of the Procurator (Cellarer) of the corporation; the signature of either of them individually, for matters within his jurisdiction, shall bind the corporation; Idem, over other expenditure.

d. The Superior and the Procurator shall sign jointly for any expenditure or financial operation authorized by the Chapter or the Council of the corporation; Joint signature.

Delegating of powers. e. The Chapter, Council, Superior and Procurator may delegate their respective powers."

Coming into force. **12.** This act shall come into force on the day of its sanction.