



CHAPTER 126

Act respecting the trustees for the parish of *Sainte-Philomène-de-Rosemont*

[Assented to, the 17th of May, 1937]

WHEREAS the trustees for the parish of *Sainte-Philomène-de-Rosemont*, a corporation legally incorporated under the Parish and *Fabrique* Act (Revised Statutes, 1925, chapter 197), have, by their petition, represented:

That they were authorized to construct the crypt or basement of a parish church which served for public worship as soon as it was completed, and in order to pay for the work done, they were authorized, by two orders of the commissioners for the purposes of the Parish and *Fabrique* Act in the diocese of Montreal, rendered on the 5th of May and the 8th of October, 1922, respectively, to impose a sufficient assessment to redeem and extinguish, within a period of forty years, the capital and interest of a sum of two hundred thousand dollars;

That, after due authorization given by the freeholders of the said parish, the trustees contracted loans for the above sum upon which a balance of one hundred and seventy thousand dollars, represented by promissory notes bearing interest at five per cent, remains unpaid;

That in 1931, the *fabrique* of the parish of *Sainte-Philomène-de-Rosemont* completed the building of the church over the crypt or basement built by the trustees and it paid for this work by means of a loan of three hundred and forty-five thousand dollars which it effected by issuing and selling bonds or debentures bearing

interest at the rate of five and one-half per cent per annum;

That the *fabrique*, owing to the present financial depression, has not sufficient revenue to meet its obligations and that it has become urgent to liberate it from a portion of its debt;

That it would be expedient under such circumstances that the respective debts of the trustees and of the *fabrique* be consolidated and that the trustees now in office be authorized to assume the debt thus consolidated, for the purpose of contracting, if need be, a loan for the whole, whereof one half shall be borne by the *fabrique* with its revenues, and the other half by the trustees by increasing accordingly the assessment now levied by them;

That the territory of the parish of *Sainte-Philomène-de-Rosemont* is in the city of Montreal, where the valuation rolls are made every year, and that it would be expedient in order not to hinder transfers of immovables which frequently occur, that the trustees effect annual acts of assessment based on the valuation entered on the municipal roll, without the formalities, charges and costs resulting from the application of the common law;

That the trustees therefore pray that their powers, rights and obligations be extended, defined and determined by a special act;

Whereas the various objects of the said petition have been approved at the meetings of the freeholders of the said parish as well as the churchwardens past and present, and by His Excellency Monseigneur Georges Gauthier, coadjutor archbishop of Montreal; and

Whereas it is expedient to grant the prayer contained in this 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 present trustees of the parish of *Sainte-Philomène-de-Rosemont* and their successors are authorized to assume the present debt of the *fabrique* amounting to three hundred and forty-five thousand dollars, contracted for the completion of its parish church, and to consolidate it with their own debt of one hundred

Authoriza-
tion to assu-
me, etc., pre-
sent debt of
fabrique of
St. Philomè-
ne-de-Rose-
mont.

and seventy thousand dollars, incurred for the construction of the crypt or basement of the said church, for the purposes of a lump loan which they are authorized to contract, when possible, both to repay the said debts and to meet the expenses incurred which the passing of this act and the negotiating of loans will occasion, provided the total sum thus borrowed does not exceed five hundred and fifty thousand dollars.

2. The said loan of five hundred and fifty thousand dollars may be effected either by means of one or of several direct loans by contract, or by notes or otherwise, or by means of debentures with or without annuities, with or without sinking-funds, total or partial, and equally or unequally distributed, over a period of fifty years or a portion thereof, as will be found preferable; provided, however, that the period during which no amortization is made shall not exceed the first ten years of the said loan. The trustees may, however, borrow or issue bonds for a shorter term and, in such case, they may, at the maturity of such bonds, and under such conditions as they wish, contract new loans whereof the proceeds must be appropriated to the payment of the preceding loans or of the debentures previously issued, until the whole debt be extinguished. All such loans shall be subject to the prior approval of the Ordinary.

3. To guarantee such loans, the trustees may, after having obtained the requisite religious authorization, hypothecate the ground belonging to the *fabrique*, with the church, rectory and other buildings thereon constructed, and transfer the sums to be levied under the acts of assessment which they are authorized to make, as hereinafter provided.

4. The *fabrique* shall be bound to contribute to the payment of the interest and annuities or sinking-fund, as the case may be, to the extent of one-half, and if, in addition, a surplus of receipts over its expenses remains, it is authorized to use such surplus for the same purposes.

5. The trustees must complete the payment, and for such purpose, they shall levy during fifty years, by means of an annual assessment imposed on the immovables situated in the parish belonging to Roman Ca-

tholics who are not members of any national parish, any sum required, to which they shall add the expenses occasioned by the imposition and levying of the assessment and other expenses incidental to the discharge of their duties.

Preparing,
etc., of act of
assessment.

6. Every year, from 1937, inclusive, or at the latest, every five years, at their discretion, the trustees shall prepare an act of assessment based on the value of the taxable immoveables in the parish, as entered on the valuation roll then in force in the city of Montreal; they shall deposit such act not later than the 15th of March at the parish rectory where those concerned may examine it at such hours as are fixed by the trustees; the latter shall then proceed to homologate same on such day, place and hour as they will indicate in a notice posted at the church door eight days previously.

Correcting,
etc., thereof.

After hearing the complaints or oppositions, written or verbal, which those concerned may make, the trustees shall correct or amend the act of assessment in such manner as seems to them fair and equitable, and they shall confirm same by affixing thereto their signatures or the signatures of the majority thereof.

Coming into
force thereof.

Such act, as soon as signed, shall come into force without other formality and the trustees may require the payment of the assessments and sue for recovery thereof.

Exigibility,
etc., of as-
sessment.

7. The assessment, entered in the act homologated by the trustees, shall become exigible from the rate-payers named therein on the 1st of April of every year starting from the 1st of April, 1937, inclusive; it shall be payable without demand at the office of the secretary-treasurer or of the collector for the trustees, as the case may be, and it shall bear interest at the rate of six per cent per annum *pleno jure* thirty days after maturity.

Sums levied
to constitute
privileged
claim.

8. The sums to be levied, under any act of assessment homologated as aforesaid, shall constitute a privileged claim on the immoveables therein mentioned, under sections 69 and 70 of chapter 197 of the Revised Statutes of Quebec, 1925, but no such immoveables shall be affected nor the owners personally liable except to the amount of the assessments due.

9. The assessments imposed under this act shall be ^{Prescription.} prescribed by five years from maturity.

10. The trustees shall appoint a secretary-treasurer ^{Appointing,} and pay him such salary as they deem advisable but ^{etc., of} not in excess of twelve hundred dollars per annum. ^{secretary-} Such official shall have the attributions and duties ^{treasurer.} determined by section 48 of the Parish and *Fabrique* Act (Revised Statutes, 1925, chapter 197).

11. Nothing in this act shall be interpreted as re- ^{Interpreta-} stricting the attributions, powers and duties of trustees ^{tion.} enacted by general law, all the provisions whereof shall apply in cases not otherwise provided for.

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

