



CHAPTER 16

An Act respecting the trustees of the parish of St. Germain d'Outremont

[Assented to, the 10th of June, 1936]

WHEREAS the trustees of the parish of St. Germain d'Outremont, a legally constituted corporation under the Parish and Fabrique Act (Revised Statutes, 1925, chapter 197), have, by their petition, represented:

That they were authorized to erect a parish church together with a sacristy, which has been completed and consigned to public worship, in the said parish, and that in order to pay for the work done by them, they were authorized by an ordinance of the commissioners for the purposes of the Parish and Fabrique Act, in the diocese of Montreal, rendered on the 9th of September, 1930, to impose a sufficient apportionment to pay in a period of forty years, the principal and interest on a sum of three hundred and forty thousand dollars;

That, after a regular authorization given by the freeholders of the said parish, the trustees issued and sold bonds for an amount of three hundred and forty thousand dollars, bearing interest at the rate of five per cent per annum, reserving to themselves the right to redeem such bonds at any interest maturity date, at their discretion;

That bonds representing an amount of three hundred and thirty-six thousand dollars remain in circulation of the issue by the said trustees, which they intend to redeem as soon as possible, by means of a new loan which they hope to be able to contract on favourable conditions, at least as regards the rate of interest;

That the parish of St. Germain d'Outremont has no presbytery for the parish priest and his assistants, and that the *Fabrique* has had to lease for such purpose a

house for which it pays a fairly large rent; that such house has become insufficient, and it is expedient, if not necessary, to build a suitable presbytery on the site of the church where a place has been reserved for such purpose;

That the trustees were elected only to supervise and direct the work of erecting a church and sacristy, and consequently have no legal mandate to build a presbytery, which the *Fabrique* has not the means to undertake;

That under the provisions of general law, it would be necessary for the erection of such presbytery to elect new trustees, who would contract a new loan to pay for it, and would establish another apportionment, and that the existence of two corporations of trustees, of two loans, and of two separate assessments, would constitute in the parish a needlessly complicated machinery or organization;

That the *Fabrique* of the said parish has itself contracted a debt of about eighty thousand dollars for the purchase of land intended to be used as a site for the church, sacristy and presbytery, and for other purposes;

That it would be in the interest of the parish of St. Germain d'Outremont that the trustees now in office be authorized to build a presbytery and furnish it, to borrow a sum to redeem the bonds now in circulation, to pay the cost of construction of the presbytery and to discharge the debt of the *Fabrique*, in order to profit by a lower rate of interest, with the obligation, however, that the *Fabrique* itself provide for the payment, both of principal and interest, of its portion of the loans corresponding to the amount of its debt;

That the parish of St. Germain d'Outremont is situated partly in the territory of the city of Montreal, and partly in the territory of the city of Outremont; that changes of ownership are fairly frequent; that it would be expedient, in order not to impede such changes, to provide for a method of special apportionments less onerous and more just;

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

Whereas the various objects of the said petition were approved and ratified at the meetings of the freeholders of the said parish and by Monseigneur Em. A. Deschamps, auxiliary Bishop of Montreal; 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 trustees of the parish of St. Germain d'Outremont now in office shall be recognized as constituting a corporation to which the general law shall continue to apply, unless expressly or impliedly derogated from in this act. Recognition of trustees now in office.

2. All acts done by the trustees and the contracts and engagements undertaken by them prior to this act shall receive their full effect under the provisions of law which may apply thereto. Binding effect of prior engagements, etc.

3. The trustees are authorized to build and furnish a presbytery and baptistery on the land which the *Fabrique* of the said parish has purchased and possesses for such purpose, according to the plans and specifications to be approved by the ecclesiastical authorities. Building, etc., of presbytery, etc., authorized.

4. The trustees, if they deem it expedient to redeem the bonds which they have issued and sold prior to this act, to discharge the expense of erecting a church and sacristy, may effect new loans, either by notarial obligations, or by the issue of bonds or debentures, at such rate of interest, and upon such terms and conditions as they may deem expedient, provided that the total sum so borrowed shall not exceed four hundred and sixty thousand dollars, notwithstanding any law to the contrary. Effecting of new loans for redemption of bonds. Proviso.

5. Such loan shall be repayable within a period of not more than forty years, either by means of a sinking-fund or by annuities. How loan repayable.

The trustees may, however, borrow or issue debentures for a short term, and in such case they shall be authorized, at the maturity of such loans, to contract new loans, the proceeds whereof shall be devoted to the payment of the preceding loans or debentures previously issued. Short term loans.

6. The loans effected by the trustees under the preceding section shall be used for the redemption of their debentures now in circulation, the payment of the expenses of building a presbytery and a baptistery and the repayment of the debt of the *Fabrique*, amounting to the sum of about eighty thousand dollars, as well as to meet the expenses incurred by the negotiation of such loans and for the passing of this act. How loans to be employed.

7. The *Fabrique* shall be bound to contribute to the payment of the interest and annuities, or to the sinking- Payments by Fabrique.

fund, as the case may be, a portion corresponding to the amount of its debt, and if at any time its yearly revenues exceed its expenses, it is authorized to pay its surplus over to the trustees to help them to pay off their loans.

Levying of
annual ap-
portion-
ment.

8. The trustees, as regards the proportion of the loans or debentures charged to them, may levy annually, for forty years, by means of an apportionment imposed on the immoveables situated in the parish belonging to French-speaking Roman Catholics, a sufficient sum to meet the payment of the interest, the annuities or the sinking-fund, the payment of the expenses incurred for the imposition and collection of the apportionment and of the other expenses inherent to the performance of the functions of the trustees.

Preparing of
act of assess-
ment.

9. The trustees shall prepare, in the first fifteen days of January in each year, or every two years, at their discretion, an act of assessment based on the value of the taxable immoveables of the parish, as entered on the valuation roll then in force in the city of Montreal, or in the city of Outremont, as the case may be.

Amending
of certain
rolls in cer-
tain case.

If the valuation roll of either of the said cities cannot serve, in the opinion of the trustees, for an equitable apportionment among the property-owners liable, the trustees may amend or correct such rolls, so as to establish on an equal basis the value of the taxable immoveables of both portions of the parish.

Depositing
of act of as-
sessment,
etc.

10. After having prepared their act of assessment, the trustees shall deposit it, not later than the 15th of January, in the parish presbytery, where those interested may consult it at the hours fixed by the trustees, and they shall homologate it on the day and hour which they shall indicate by notice read by the *Curé* or officiating priest at the parish mass, on two consecutive Sundays, and posted up on the church door by their secretary-treasurer.

Coming into
force of
same.

After having heard the written or verbal complaints or oppositions which the interested parties may file or make, the trustees shall sign, at the sitting, the act of assessment, after having corrected or amended it in such manner as may appear just and equitable, and such act when signed shall come into force without other formality, and shall have the same effect as if it had been homologated by the commissioners appointed for the purposes of the Parish and Fabrique Act, under the Revised Statutes of Quebec, 1925, chapter 197, section 55.

11. The assessment entered in the act homologated by the trustees shall become payable by the ratepayers therein named on the 1st of February every year, beginning on the 1st of February, 1937, inclusively; it shall be payable at the office of the secretary-treasurer of the trustees or of the collector whom they may choose, and shall bear interest at the rate of six per cent per annum, without any putting in default, thirty days after maturity.

12. The sums to be levied under any act of assessment, homologated as aforesaid, shall constitute a privileged claim on the immoveables therein described, under the provisions of sections 69, 70 and 87 of chapter 197 of the Revised Statutes of Quebec, 1925; but such immoveables shall not be affected nor the owners be personally liable save to the extent of the assessments due.

13. The assessments imposed under this act shall be prescribed by five years from the date of their maturity.

14. The trustees may appoint a secretary-treasurer and pay him a salary which they deem suitable. Such functionary shall have the attributes and duties determined by section 48 of chapter 197 of the Revised Statutes of Quebec, 1925.

The trustees may, if they prefer, instruct a person other than their secretary-treasurer, or a company, to collect the assessments which they are authorized to levy. They may allow such person or company, for such purpose, such remuneration as they deem sufficient.

15. Nothing in this act shall be interpreted as restricting the attributes, powers and duties of the trustees, enacted by general law, all the provisions whereof shall apply in cases not otherwise provided for.

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

