



CHAPTER 138

An Act to legalize certain acts respecting the canonical parish of St. Charles de Caplan

[Assented to, the 11th of April, 1935]

WHEREAS, following the canonical decrees of the 4th Preamble. of June, 1926, and of the 14th of March, 1927, permitting the construction of a new church and sacristy in the parish of St. Charles de Caplan, the trustees of the parish made and drew up an act of assessment, to execute the said decrees, on the 23rd of March, 1927;

Whereas, on the 8th of September, 1926, the election of the trustees was confirmed and the preparation of the above act of assessment was authorized by the commissioners for the diocese of Rimouski, instead of those duly appointed for the diocese of Gaspé whereof the said parish of St. Charles de Caplan formed part since May, 1922, seeing that the latter were appointed only on the 21st of June, 1927;

Whereas the act of assessment, made and drawn up as aforesaid, was not homologated in time, as prescribed by section 55 of the Parish and Fabrique Act (Revised Statutes, 1925, chapter 197);

Whereas the commissioners for the diocese of Gaspé, on the 28th of October, 1933, made, in the presence of a notary, an order entitled: "order homologating the act of apportionment without opposition", such act of apportionment being of the 6th of February, 1933, drawn up by the trustees of the canonical parish of St. Charles de Caplan;

Whereas doubts arise as to the legality of the said order, because it enacts that the said act of apportionment of the 6th of February, 1933, was legally drawn up by the

trustees of the parish of St. Charles de Caplan, under powers conferred upon them by the commissioners for the diocese of Rimouski, while since May, 1922, the said parish formed part of the diocese of Gaspé, the commissioners whereof were appointed in 1927, as above mentioned;

Whereas in the said order, the decree changing the dimensions of the sacristy was erroneously stated as being of the 11th of March, 1927, instead of the 14th of March, 1927;

Whereas it is expedient to validate the said order and make the required corrections therein, and also to validate all acts and proceedings previous thereto, in the public interest and so as to eliminate any possibility of lawsuit, pursuant to the wish of the Ordinary of the diocese of Gaspé;

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

Validating
of certain
acts.

1. The acts made for the purposes contemplated by the Parish and Fabrique Act, before the commissioners for the diocese of Rimouski and by the latter respecting the canonical parish of St. Charles de Caplan, shall have the same validity and effect as if they had been made before the commissioners for the diocese of Gaspé and by the latter, notwithstanding any lack of jurisdiction, and the said act of assessment of the 23rd of March, 1927, always had the same validity and effect as if it had been duly homologated according to law.

Validating
of certain
order.

2. The order entitled: "order homologating the act of apportionment without opposition", rendered on the 28th of October, 1933, by the commissioners for the diocese of Gaspé, is validated in its entirety for all legal purposes, except that the said decree, changing the dimensions of the sacristy, therein mentioned, must be considered as being of the 14th of March, 1927, instead of the 11th of March, 1927.

Coming into
force.

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