



CHAPTER 158

An Act to authorize the *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal to contract a loan and sell certain lands forming part of the cemetery of Côte-des-Neiges.

[Assented to, the 11th of March, 1931]

WHEREAS the *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal have, by their petition, represented:

That considerable repairs and improvements are necessary for the parish church and its dependencies, and urgent work already begun cannot be interrupted and will entail a considerable expenditure;

That as a result of the dividing of the parish the yearly revenues of the *Fabrique* have, for a great many years, been insufficient to meet the expenditures, and consequently the *Fabrique* now has a floating debt of two hundred and fifty-five thousand eight hundred and twenty-one dollars and sixty cents;

That the future revenues of the *Fabrique* will be insufficient to permit of its paying such debt and the cost of the above-mentioned repairs;

That it has become necessary to impose an assessment on the immoveables of the freeholders for the above purposes, and there are doubts as to whether the present law is sufficient, in view of the peculiar condition of the parish of Notre-Dame-de-Montréal;

That certain lands now forming part of the Côte-des-Neiges cemetery cannot and will not be used as burial lots on account of their position and the nature of the soil, and that it is in the interest of the *Fabrique* to sell such lands;

Whereas it is expedient to grant such petition;

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

Certain
works au-
thorized.

Loan au-
thorized.

1. The *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal are authorized to make the repairs and improvements to the parish church and its dependencies which they may deem necessary, and to borrow for such purpose, as well as to consolidate the floating debt of the *Fabrique*, a sum not exceeding four hundred and thirty thousand dollars including the expenses incurred for the passing of this act, by means of bonds, debentures or obligations or other negotiable instruments, for a term not to exceed forty years, with a sinking-fund or by annuities, at a rate of interest which it may fix, and to dispose of the said bonds, debentures or obligations, or negotiable instruments, at the best price obtainable, provided that the proceeds of the loan be exclusively employed for the above purposes.

Method.

Such loan may be made in whole or in part and from time to time.

Renewal.

If the loan is made for a period of less than forty years, it may be renewed for an amount not covered by the sinking-fund or unpaid by the annuities, provided that the final period of maturity shall not exceed forty years, to be computed from the date of the first issue.

How made.

Every loan shall be made in the name of *Les Curés et Marguilliers de l'Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal.

Payment of
interest.

2. For the payment of the yearly or half-yearly interest on the said bonds, debentures, obligations or other negotiable instruments, as well as the annual contribution to the sinking-fund or the annuities, the *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal are authorized to assess the immoveables situated in the said parish belonging to Roman Catholics, resident or not in the parish, and to levy each year, by means of an act of assessment, a sufficient sum for such purposes, and, in addition, any sum necessary to pay the cost of assessment and levying, the losses, the court costs, the fees and disbursements of the trustee, and of any other person whom they may deem fit to employ.

Assessment
of immove-
ables.

Exemption.

If, however, there exist on the same territory a national parish church, the immoveables belonging to Roman Catholics of that nationality shall not be affected by this act.

3. The act of assessment shall be prepared by the board of churchwardens and shall be based upon the municipal valuation roll in force. Such act shall contain a description and valuation of the immoveables as entered in such roll, the names of the real or supposed owners, and the amount for which the immoveables are assessed. Act of assessment.

Such act of assessment shall be deposited on or before the first of October in each year, in the office of the *Fabrique* where those interested may examine it during the ordinary office hours. The *Curé* of the parish shall, during two consecutive Sundays, give notice from the pulpit of the deposit of the act of assessment, and of the place, day and hour on which the board of churchwardens will consider the complaints respecting the act of assessment. At least eight days shall elapse between the last notice and the day on which the complaints will be considered by the board. On the day fixed, the board of churchwardens shall take under consideration the verbal and written complaints of those interested, hear the parties and their witnesses, who may be sworn by the chairman of the board, who is authorized for such purpose, correct and amend, if necessary, the act of assessment in the manner which may appear fair and equitable to it, and homologate the same; the roll so homologated shall come into force immediately, without other formality or authorization than those required by this act. The assessment shall be payable without previous demand or putting into default within thirty days following the date of homologation of the roll, at such place as the board of churchwardens shall fix. Deposit and notice thereof. Homologation thereof.

The assessment shall be deemed to be imposed from the date of the deposit of the act of assessment as aforesaid. Date of imposition.

4. Payments due under the act of assessment shall bear interest at six per cent per annum, to be computed from the expiration of the thirty days above mentioned. Rate of interest.

5. The immoveables of *fabriques*, churches and the buildings occupied as educational or charitable establishments as well as the land on which they are erected or which is attached to such establishments or forms part thereof shall be exempt from the assessment. Exemption of certain immoveables.

6. The suits to recover the sums entered in the act of assessment shall be instituted in the name of the *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montreal, or in the name of the trustee in the case of section 8 of this act, before the Superior Court Suits of recovery.

of the district of Montreal, which alone shall have jurisdiction regardless of the amount claimed, and its judgments whether interlocutory or final shall be without appeal.

Copy of assessment roll.

A copy of the assessment roll certified by the chairman of the board of churchwardens shall bear witness as to its contents and be sufficient for the maintenance of any such action without other documents having to be produced.

Privileged claim.

7. The assessments so imposed shall, without registration, be a privileged claim on the immoveables assessed, according to the provisions of articles 2009 and 2011 of the Civil Code, subject to section 102 of chapter 197 of Revised Statutes of Quebec, 1925.

Guarantee.

8. To guarantee the payment of principal and interest of the bonds, debentures or obligations, or other negotiable instruments to be issued, the *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal may transfer, before or after the issue of the said bonds, debentures or obligations, or other negotiable instruments, to one or more trustees, the whole or part of the sums to be levied under the acts of assessment, and, under such transfer, the trustee or trustees shall have all the rights, privileges, hypothecs and actions conferred upon the said board of churchwardens by this act for the recovery of the sums transferred, and every suit to recover sums due under any act of assessment may be instituted in the name of the trustee without it being necessary that the transfer of the sums to be levied by the act of assessment be served upon the debtors.

Approval of loan.

9. No loan authorized by this act nor any act of assessment can be made without first being approved by the Archbishop of Montreal.

Authorization to sell certain immoveables.

10. The *Curé* and churchwardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal are further authorized to sell, with the previous consent of the Archbishop of Montreal and provided no burial has taken place therein, on the price, terms and conditions which they may deem just, the following immoveables now forming part of Côte-des-Neiges Cemetery, namely:

Description thereof.

The unsubdivided portion of lot No. 11 of the official plan and book of reference of the parish of Montreal, a strip of land not exceeding two hundred feet deep, bounded in front by the Côte-des-Neiges road and forming part of

Nos. 9, 10 and 11 of the official plan and book of reference of the village of Côte-des-Neiges, extending for the whole width of the said lots, and a strip of land not exceeding two hundred feet deep, from the Shakespeare Road, forming part of the unsubdivided part of lot No. 5 of the official plan and book of reference of the village of Côte-des-Neiges, bounded in front by the said Shakespeare Road, and extending along this road on all the unsubdivided part of the said lot No. 5.

11. The powers hereby granted to the *Curé* and church-wardens of the *Oeuvre et Fabrique* of the parish of Notre-Dame-de-Montréal shall be exercised upon a resolution or resolutions adopted at meetings of the former and present churchwardens called according to law and custom governing the said *Fabrique*. Resolution for exercise of powers.

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