

CHAP. 118

An Act respecting the construction of the church of the parish of *Ste. Catherine de Montréal*

[Assented to, the 29th of December, 1922]

Preamble.

WHEREAS the parish priest and churchwardens of the *Œuvre et Fabrique* of the parish of Ste. Catherine de Montréal and the trustees elected for the said parish have by their petition represented:

That the *fabrique* of the said parish owns land upon which it has erected a basement, of which the said parish has been making use for religious purposes since the year 1913, and that it has become urgent to complete this basement by erecting thereon a parish church;

That it is expedient to pass a special act respecting the erection of the said church and the mode of raising the necessary loans for this purpose;

That the usual provisions of parochial law regulating *fabriques* do not allow of the redemption of these loans by annual assessments based upon the municipal valuation rolls of the localities wherein are situate the lots owned by *fabriques*;

That the territory of the said parish of Ste. Catherine is situated in a part of the city of Montreal which is densely built upon, where the buildings are of great value and where transfers of property are frequent;

That in order to lighten the burden of the assessment for the erection of the church and not to hamper transfers of property in the locality, it is expedient to derogate from the general law and allow the trustees to levy in each year upon the property of Catholics, in accordance with the amounts entered in the municipal valuation roll of each year, the sums necessary to provide for the cost of erection and repayment of the loans which the said trustees shall affect;

That, although the freeholders have obtained authority to elect trustees and have, in fact, elected trustees to erect the church under the general clauses of the general law, they have nevertheless proceeded in a way which can only be made effective by means of special legislation;

That the prayer of the petitioners for this purpose has been approved by the Ordinary of the archdiocese of Montreal within whose limits the said parish is situated;

Whereas the petitioners have prayed that an act be passed for the above mentioned purposes, and it is expedient to grant the same;

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

1. The parish priest of the parish of *Ste. Catherine de* "*Les Syndics de la paroisse de Ste. Catherine de Montréal*", and the trustees elected by the said parish are, for all the purposes of this act, incorporated under the name of "*Syndics de la paroisse de Ste. Catherine de Montréal*", incorporated.

2. In the event of the death, serious illness, interdiction, resignation, or incapacity of any one of the trustees at present elected, the trustees remaining in office shall fill such vacancies, unless they are not sufficient in number to form a quorum, in which case successors shall be appointed at a meeting of the freeholders in the usual way; but it shall in no event be necessary to have the election confirmed by the commissioners for the civil erection of parishes, appointed for the district of Montreal.

3. The trustees are authorized to erect and complete upon the basement at present built on the land of the *fabrique* of the said parish a church which shall not cost more than the amount of two hundred and fifty thousand dollars, according to the plans and specifications approved by them and the Ordinary of the archdiocese of Montreal.

4. The construction work shall not be begun before the first of May, one thousand nine hundred and twenty-four, and shall then be prosecuted without interruption.

5. For the payment of this construction, the trustees may effect one or more loans, the total of which shall not exceed one hundred thousand dollars, either by issue of bonds or debentures or otherwise, and redeemable in principal and interest within a period of twenty years with or without annuities. Such loans may be contracted when the trustees deem advisable and either before or after the construction work has begun.

6. The trustees may levy annually, during a period of twenty years, by way of apportionment upon all the immoveables of the parish belonging to Roman Catholics whether residing in the said parish or not, an amount sufficient to provide for the payment of the erection of the said church, as well as for the expense incurred in the passing of this act and the making and collection of the assessment, and to provide for the payment of the inter-

est on the loans, sinking-fund or annuities, as the case may be, and the expense occasioned by these loans and all other costs incurred.

Date of the
apportion-
ment.

7. The apportionment shall commence to run from the first of July of each year, beginning with the first of July, one thousand nine hundred and twenty-two, and the amount thereof shall be due and payable at the office of the secretary on the first of December of each year, except the first payment which shall be made on the first of February, one thousand nine hundred and twenty-three.

When act of
apportion-
ment to be
made.
Deposit of
said act.

8. The act of apportionment, which shall be made each year, shall be based on the valuation roll of the city of Montreal, in force on the first of November preceeding the maturity of the payments to be made. It shall be deposited for the first time on or before the 15th of January, one thousand nine hundred and twenty-three, and, in subsequent years, on or before the 15th of November, in the office of the secretary of the trustees where interested parties may have communication thereof, at the day and hour appointed by the trustees, and it shall be homologated by the said trustees at the day and hour which shall be specified in a notice publicly read and posted on the door of the parish church or chapel, at least eight days beforehand. This homologation shall be affected in the same way and have the same effect as a homologation by the civil commissioners acting under section 4335 of the Revised Statutes, 1909.

Homologa-
tion.

Amounts
levied.

9. For the years 1922-1923, 1923-1924, 1924-1925, and 1925-1926, the amount to be raised shall be at the rate of thirty cents per hundred dollars of the value indicated in the municipal valuation roll, and for the following years, up to the expiry of the term for which the allotment is authorized, the rate shall be fixed by the trustees in such manner as to pay the debts remaining due at maturity, but such rate shall not exceed twenty cents per hundred dollars of the value indicated in the said roll.

Privileged
debt.

10. The amount of the assessment shall constitute the first privileged debt upon the immoveable, under article 4349 of the Revised Statutes, 1909; but the immoveables of the freeholders shall be affected and the freeholders themselves shall be bound only to the extent of the payments of the said assessment then due.

Appoint-

11. For the purposes of this act, the trustees may

appoint a secretary and pay him the salary they deem advisable out of the moneys provided by the allotment. ment of a secretary.

12. The moneys derived from the assessment or allotment of temporary loans, and generally all the moneys destined for the payment of the debt and the above-mentioned works, shall be deposited in a chartered bank chosen by the trustees, and may be withdrawn only upon the signature of the parish priest and the secretary of the trustees. Deposit money in a chartered bank.

13. Suits for the recovery of the amounts mentioned in the act of assessment shall be taken in the name of the trustees, in the manner indicated in article 4341 of the Revised Statutes, 1909. Suits for recovery of the amounts

14. To guarantee the repayment of the loan, in capital and interest, the trustees may hypothecate the church and presbytery, and transfer the above-mentioned allotment. Church, etc. hypothecated in certain cases.

15. The religious edifices, during and after their construction, must be insured against fire or any other danger of destruction, and the insurance policies may be transferred as a supplementary guarantee of the loans. The trustees may also insure against all other risks resulting from the building of the church and sacristy. Insurance of edifices.

16. The trustees may employ architects to prepare plans and specifications and to oversee the work, make transactions and agreements, and call for tenders, pass contracts, engage in and defend lawsuits, if they deem it advisable, and generally do all things necessary to comply with the object of this act. Powers of trustees.

17. The parish priest may convene a meeting of the trustees by a letter mailed to each of them at least one clear day before such meeting. Meetings, how called.

The quorum at such meetings shall be four.

Quorum.

All decisions shall be taken in accordance with the majority of the votes cast. Decisions.

When the votes are equally divided, the parish priest shall, in addition to his vote as trustee, have a casting vote as president. Casting-vote in certain cases.

18. In addition to the powers specially conferred upon them by this act, the trustees shall enjoy all the rights, powers and privileges granted to corporations of trustees formed in virtue of the Revised Statutes, 1909. Additional powers of the trustees.

Provisions
not
applicable.

19. The provisions of section third of chapter first of title ninth of the Revised Statutes, 1909, shall not apply, unless expressly stipulated, to the matters which are regulated by this act.

Amounts
necessary
for the com-
pletion of
the church.

20. The *fabrique* of the parish, acting by the parish priest and churchwardens, is authorized to make over to the trustees the amounts necessary for the completion of the church, as soon as the latter shall have exhausted the receipts derived from the allotment and the loans effected, the total of such contribution not to exceed, however, one hundred thousand dollars.

Loans by
the *fabrique*.

The parish priest and the churchwardens may borrow in the name of the *fabrique* in such manner, at such rate and upon such conditions as they may deem advisable, subject, however, to the approval of the Ordinary of the archdiocese, up to and not exceeding the amount of the contribution which the said *fabrique* shall be called upon to make over to the trustees, as above specified.

Borrowing
powers.

21. Nothing in this act shall be construed as limiting the general powers of the *fabrique* to contract loans.

Coming into
force.

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

CHAP. 119

An Act to authorize the Protestant School Municipality of the City and Parish of Lachine and the Towns of Lasalle and Dorval to have a Board of six Trustees

[Assented to, the 29th of December, 1922]

Preamble.

WHEREAS the Protestant School Trustees for the municipality of the city and parish of Lachine, including the towns of Lasalle and Dorval, in the county of Jacques-Cartier, have, by their petition, represented that for the past fifty years, or more, the said municipality has elected and maintained a board of six trustees instead of a board of three trustees contemplated by law; that the origin of this system or legal warrant for the same cannot be found either in the records of the school board or in the archives of the Department of Education at Quebec, but the board, composed of six members, has always enjoyed the status of a school corporation and has been recognized as such by competent authority; that doubts have arisen as to the legality of a board of six trustees, and it is desir-