

Coming into
force.

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

CHAP. 120

An Act respecting the *Fabrique* of the parish of St. Bernardin-de-Sienne.

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

Preamble.

WHEREAS the *curé* and churchwardens of the *Œuvre et fabrique* of the parish of St. Bernardin-de-Sienne, of Montreal, have by their petition represented:

That the *fabrique* of the said parish has contracted, for the construction of the present chapel and presbytery and for the acquisition of the land upon which they are erected, a large debt which it is unable to meet out of ordinary revenue;

That, moreover, for several years the said *fabrique* in the general administration of its affairs has had a yearly deficit;

That it is urgent to supply the *fabrique* of the said parish with the funds necessary to meet its obligations, and, for this purpose, to levy, by assessment, upon the immoveables of Roman Catholic freeholders of the said parish;

That the general provisions of law relating to *fabriques* do not provide an effective means for relieving the peculiar position of the said parish and that the *fabrique* requires special facilities to be enabled to pay its debts, and that owing to the gradual growth of the population and the frequent changes in ownership of property, it is expedient to change each year the rate of assessment which shall be levied and to limit to the payments due the privilege affecting freeholders' immoveables, by reason of said assessment;

That the freeholders unanimously adopted resolutions praying for special legislation for these purposes and were authorized to apply to the Legislature by the Ordinary of the archdiocese of Montreal within whose limits the said parish is situated;

Whereas it is expedient to grant 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:

Assessment
of immov-
ables of
Roman

1. The usual board composed of the *curé* and the three churchwardens in office of the *Œuvre et fabrique* of the parish of St. Bernardin-de-Sienne, of Montreal, may,

every year, during a period not exceeding fifteen years, levy by assessment on all the immoveables of the parish belonging to Roman Catholics, whether residing in the said parish or not, a sum sufficient to pay the interest and sinking-fund or annuities, as the case may be, of the present debt of the *fabrique*, provided the same does not exceed fifty-two thousand seven hundred and fifty dollars. The apportionment shall also take into account the expenses incurred for the passing of this act, the costs incurred for the apportionment and collection of the annual assessment.

2. The amount of the assessment shall be the first charge and the first privileged debt on the immoveables subject thereto, 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.

3. A new assessment shall be made every year based on the valuation roll of the town of St. Michel, and of that of the city of Montreal for the part of the parish situated within the limits of the said city which are in force on the 1st of January preceding the maturity of the payments to be effected. Such assessment roll shall be deposited on or before the first day of February of each year in the presbytery, where interested parties may have communication thereof, at the hours fixed by the board, and shall be homologated by the said board on the day and at the hour mentioned in a notice which shall be read from the pulpit at High Mass and posted on the door of the parish church or chapel at least eight days beforehand. This homologation shall be made in the same way and have the same effect as the homologation by civil commissioners acting under article 4335 of the Revised Statutes, 1909.

4. The assessment shall be payable on the first of March of each year at the office of the *fabrique*. Interest at the rate of six per cent per annum shall be charged upon instalments not paid within thirty days from the date that they become due.

5. The first assessment shall take place in the year 1923, and shall be due on the first of April, 1923.

6. The moneys derived from the assessment or allotment, temporary loans and generally all moneys destined

Catholics
for debt of
fabrique.

Privileged
debt.

Extent as
regards free-
holders.

Making of
assessment,
and deposit
and homo-
logation.

When
payable.

Interest.

First assess-
ment and
due date.

Deposit of
moneys in

chartered bank. for the payment of the debt, shall be deposited in a chartered bank chosen by the board. They shall be deposited in a special account and may be withdrawn only on the signature of the *curé* and the churchwarden in office.

Suits; how taken. **7.** Suits for the recovery of the amounts mentioned in the assessment roll shall be taken in the name of the *fabrique* in the manner indicated under article 4341 of the Revised Statutes, 1909.

Amount and term of loans authorized. **8.** The board is authorized to make, with or without a transfer of the assessment, loans which it may deem advisable, either to renew or consolidate existing loans, provided that the total amount thus borrowed shall not exceed fifty-two thousand seven hundred and fifty dollars, and that the term for the repayment shall not exceed the period

Bonds, etc. for which the assessment was authorized. These loans may be made by an issue of bonds or debentures or otherwise, and shall be redeemable with or without annuities.

Guarantee of loans by hypothec. **9.** The board may validly hypothecate the immovables of the *fabrique* to guarantee the payment of the loans effected or debentures issued, either in favour of the lenders or of one or more trustees.

Insurance of certain buildings. **10.** 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.

Meetings of churchwardens. **11.** The *curé* of the parish may convene a meeting of the churchwardens in office by letter mailed to each of them at least one clear day before such meeting.

How held. These meetings shall be held in the same way as the meetings of the churchwardens and entered in the register of the proceedings of the *fabrique*. The quorum at such meetings shall be three.

Quorum. Casting vote of *curé*. When the votes are equally divided, the *curé* shall, in addition to his vote as member of the board, have a casting vote as chairman.

General borrowing power safeguarded. **12.** Nothing in this act shall be construed as restricting the general power of the *fabrique* to contract loans.

Coming into force. **13.** This act shall come into force on the day of its sanction.