

## C H A P. 159

## An Act respecting the parish of St. Viateur d'Outremont

[Assented to, 25th of February, 1921]

Preamble.

**W**HEREAS the *Curé* and churchwardens of l'*œuvre et fabrique* of the parish of St. Viateur d'Outremont, in the diocese of Montreal, have, by their petition, represented:

That by the act 1 George V (1st session), chapter 105, as amended by the acts 1 George V (2nd session), chapter 113, 2 George V, chapter 120, and 4 George V, chapter 145, the *fabrique* has been authorized to borrow various sums amounting to two hundred and twenty-five thousand dollars to build a church, a sacristy and a presbytery, and also to levy, by means of an act of assessment, the moneys necessary for the payment of interest, sinking-fund and certain accessory expenses;

That the various loans provided by the above acts were insufficient, and it has become expedient to borrow an additional sum of seventy-five thousand dollars to consolidate the debt incurred by the *fabrique* for building purposes, for decorating the church and carrying out other necessary works;

That the freeholders of the parish, duly convened, have unanimously consented thereto; and

Whereas special legislation has been applied for in order to effect the proposed loan and to provide for its repayment, and it is expedient to grant such prayer;

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

Loan authorized.

**1.** For the purposes of consolidating the debt of the *fabrique*, of decorating the church and carrying out other work, the said *fabrique* of the parish of St. Viateur d'Outremont, in the district of Montreal, may borrow, in addition to the amounts provided for by the act 1 George V (1st session), chapter 105, and its amendments, an additional sum of not more than seventy-five thousand dollars, for a period of not more than forty years.

How loan may be effected.

**2.** Such loan may be effected by contracts or notarial deeds, by notes or by means of bonds or debentures, and it shall be repaid by annuities or by means of a sinking-fund not exceeding one per cent of the above-mentioned sum.

Additional loan.

This sum of seventy-five thousand dollars may also be

borrowed in various amounts payable at dates agreed upon by the church-wardens and renewable either with the original lenders or with others;— provided, however, that Proviso. the total amount of such partial loans shall not exceed seventy-five thousand dollars, and that the maturity of any of them shall not exceed a period of forty years.

**3.** To guarantee the repayment of the loan, in capital Immove- and interest, the *fabrique* may hypothecate the immove-ables may be ables of the said *fabrique*, including the church and sacristy; hypothecated. it may also guarantee such loan by means of the above mentioned assessment, either by transferring the right to collect the amount thereof, or in any other way.

**4.** The *fabrique* of the parish of St. Viateur d'Outremont Annual may levy annually, during a period not exceeding forty assessment years, by means of an apportionment and assessment roll to be levied. on the immoveables situated within the limits of the parish belonging to Roman Catholics, a sum sufficient to provide for the payment of the capital, interest and sinking-fund or annuities, as the case may be, and also for the expenses incurred by the said assessment, by the negotiation of the loan and by the passing of this act. The amount To consti- of the assessment thus levied shall constitute, together tute, first with the amount of the previously levied assessments, hypothec. the first obligation and the first privileged debt on the immoveables subject thereto, under article 4349 of the Revised Statutes, 1909, but the owners shall be bound, and the immoveables shall be affected, only to the extent of the payments of the said assessment then due.

**5.** A new assessment roll shall be made out every year, New roll and the assessment rate shall be increased or diminished every year. according to the increase or diminution of the property assessed.

**6.** Such assessment roll shall be deposited on or before Deposit of the 31st day of December of each year, in the office of roll. the secretary of the *fabrique* or at the presbytery of the parish, where the interested parties may take communication thereof on the day and hour appointed by the board of church-wardens.

It shall be based on the valuation rolls of the city of To be based Montreal and of the city of Outremont, in force at the date of on municipal such deposit, according as the immoveables are situate in valuation one rolls. or the other of such cities, and the said assessment roll shall not be subject to homologation by the civil commissioners appointed and acting under the Revised Statutes, 1909;

Homologation. but the homologation of the valuation roll by the city of Montreal or by the city of Outremont, as the case may be, shall replace such homologation by the commissioners, and shall have all the effects thereof.

Correction of errors. Nevertheless the board of church-wardens may at any time correct errors which are brought to their notice.

When due and exigible. **7.** The sum to be levied every year, under such assessment roll, shall be exigible and payable at the date appointed by the board of church-wardens, and any sum not paid within thirty days of its maturity shall bear interest at the rate of six per cent per annum.

When assessment shall begin. **8.** The board of church-wardens shall determine at what date, after the coming into force of this act, the assessment shall begin to operate. They may, even before effecting the loan, levy the yearly assessment provided by section 4 of this act. In the latter case, the proceeds of the assessment shall be used, after payment of interest on the floating debt, to reduce the capital of the latter, and the amount of the final loan shall be so far diminished.

Provisions to apply. **9.** The provisions of the acts 1 George V (1st session), chapter 105, 1 George V (second session), chapter 113, 2 George V, chapter 120, and 4 George V, chapter 145, shall apply to the present loan and the present assessment for any thing not herein provided and not incompatible with this act, nor contrary to its provisions.

Suits in name of fabrique. **10.** Suits for the recovery of sums mentioned in the assessment roll shall be taken in the name of the *fabrique*, under article 4341 of the Revised Statutes, 1909.

Interpretation. **11.** This act shall not be interpreted as abrogating or curtailing the general powers of the *fabrique* to contract loans, nor the powers, privileges and attributes conferred upon the *fabrique* by special acts respecting it.

Use of surplus. **12.** The *fabrique* may, for its general needs, use the surplus remaining available from the sums levied under previous assessments.

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