

## C H A P. 131

An Act respecting the trustees of the parish of *St-Joseph de Bordeaux*

[Assented to 9th February, 1918]

Preamble.

**W**HEREAS the *curé* and churchwardens of *l'œuvre et fabrique* of the parish of St-Joseph de Bordeaux have, by their petition, represented:

That the said *œuvre et fabrique* has contracted loans to a total amount of fifty thousand dollars, and that the proceeds of such loans have chiefly been used for the purchase, levelling and embellishment of the grounds, and the building thereon and finishing a church basemént, and also for repairing a house erected thereon to serve as a presbytery;

That, notwithstanding all its sources of revenue, including its special charitable organizations, the said *œuvre et fabrique* has always been and still is absolutely unable to provide for the payment of the interest on its debt out of its annual revenues, and is obliged every year to pay part of such interest out of moneys from the loan fund, thereby causing an annual increase of its debt;

That it is urgent to provide for the payment of the yearly interest and the repayment of the principal of such loans;

That the law governing *fabriques* does not permit of the repayment of such loans by annual assesment based on the municipal valuation rolls of the localities in which the territory of the *fabrique* is situated;

That the territory over which the said *œuvre et fabrique* has jurisdiction, being situate within the limits of the city of Montreal, is destined to developpe rapidly and to be covered, from year to year, by many dwellings; and consequently the total valuation of the said territory will annually increase;

That, to lighten the burden of the assessments to be imposed for the repayment of the principal and interest of the said debt, and to allow of facility in alienating immoveables in the locality, in view of the continual increase of population and frequent changes of ownership, it is expedient that the general law be derogated from, so as to allow the said *œuvre et fabrique* to levy annually on the property of Catholics, according to the amount of their municipal valuation every year, the sums required for the said purpose;

That the freeholders, at a meeting duly convened for

the purpose, have approved this petition; and that their decision has been ratified by the competent ecclesiastical authority;

Whereas it is prayed that an act to that effect be passed, 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:

**1.** The *curé* of the parish of *St-Joseph de Bordeaux*, the three churchwardens of *l'œuvre et fabrique* of the parish, in office, elected according to law, are, for the purposes of this act, incorporated under the name of the "Trustees of the parish of *St-Joseph de Bordeaux*". Corporation of trustees created.

**2.** The trustees above-mentioned are authorized, from and after the first of January, 1923, to effect a loan exceeding fifty thousand dollars, at a rate of interest not exceeding six per cent per annum, which shall be devoted to the payment of the debts and dues of *l'œuvre et fabrique* of the parish of *St-Joseph de Bordeaux*. Loan authorized.

**3.** The loan above-mentioned may be effected for a term of twenty years, by a notarial deed or by an issue of bonds or debentures, with a sinking-fund. It may also be reimbursed by annuities if it be deemed preferable to do so. Manner of effecting loan.

**4.** The trustees may, every year, from and after the first of January, 1923, during a period not exceeding twenty years, by an act of assessment upon all the immoveables of the parish belonging to Roman Catholics, whether they reside in the parish or not, levy an assessment, the rate whereof shall be proportionate to the annual municipal valuation, for the sum required for the payment of interest and for a sinking-fund or annuities, as the case may be; also for the payment of the costs occasioned by the assessment, by the negotiation of the loan and by the passing of this act. Assessment authorized after 1923.

Nevertheless, beginning with and including the current year, 1918, up to and including the year 1922, the trustees may, every year, by an act of assessment as above mentioned, levy, in addition to the costs occasioned by such assessment, the sum required by *l'œuvre et fabrique* of the said parish, to provide for the payment of interest on the present debt, deduction to be made, however, of any amount available for that purpose out of the ordinary revenues of the said *œuvre et fabrique*; the amount to be Assessment before 1923.

so levied each year to be determined by a resolution of the churchwardens in office of the said *oeuvre et fabrique*, and such levy to be made in accordance with the provisions of this act.

First privileged debt.

**5.** The amount of the yearly assessment shall constitute the first privileged debt affecting the immovable, in accordance with article 4349 of the Revised Statutes, 1909; but the immovables of the freehold inhabitants shall not be affected, nor shall the freehold inhabitants themselves be liable for more than the payments due on the assessment as above established.

Secretary.

**6.** For the purposes of this act, the trustees may appoint a secretary, and pay him such salary as they deem expedient, out of the proceeds of the assessment.

Assessment to be made every year.

**7.** A new act of assessment shall be made out every year, and it shall be based on the valuation roll of the city of Montreal in force on the 1st of January preceding the date when the payments to be effected become due. Such act of assessment shall be deposited, on or before the 1st of May of each year, in the office of the trustees' secretary, where the interested parties may take communication of the same at such hours as may be fixed by the trustees, and it shall be homologated by the said trustees on the day and at the hour they may specify by notice, publicly read and posted up on the door of the church or chapel of the parish, at least eight days beforehand.

Homologation.

Date of payment, &c.

**8.** The assessment shall commence to run from the 1st of January of each year, beginning on the 1st of January, 1918, and the amount thereof shall be exigible and payable at the secretary's office on the 1st of June of each year. Interest at the rate of six per cent per annum shall be charged on instalments not paid within thirty days from the date they are due.

Deposit of moneys.

**9.** The moneys derived from the assessment or from temporary loans, and generally all moneys destined for the payment of the debt, shall be deposited in a chartered bank chosen by the trustees, and cannot be withdrawn therefrom except over the signatures of the *curé* and of the senior churchwarden in office.

Signatures required for withdrawal.

Suits for amounts of assessment.

**10.** Suits for the recovery of the amounts entered in the act of assessment shall be taken in the name of the trustees, in the manner set forth in article 4341 of the Revised Statutes, 1909.

**11.** The trustees shall insure buildings against fire and Insurance. other risks, out of the proceeds of the assessment.

**12.** To secure the repayment of the loan, both principal Hypothec- and interest, the trustees may hypothecate the immove- cation. ables of the said *œuvre et fabrique*, and transfer the assess- ment above mentioned.

**13.** The trustees are authorized to effect, on the security Temporary of the assessment, such temporary loans as they may loans. deem advisable for paying at maturity all instalments on capital and the interest due on the loan above mentioned, as well as the costs occasioned by the said assessment.

**14.** The *curé* of the said parish may convene a meeting Meeting of of the trustees by sending a registered letter to each of trustees, them, at least three clear days before such meeting. how called.

Such meetings shall be held like all other churchwardens' Proceedings] meetings, and the proceedings shall be entered in the thereat. minute-book of the proceedings of the *fabrique*; the quorum of such meetings shall be three.

When the votes are equally divided, the *curé* shall, in Casting- addition to his vote as trustee, have a casting-vote as vote. chairman.

**15.** In addition to the powers specially conferred upon Powers, &c. them by this act, the trustees shall have all the rights, powers and privileges granted to corporations of trustees under the Revised Statutes, 1909.

**16.** All powers, rights, and obligations contained in the General general law, respecting corporations of trustees, shall apply powers, &c., to the trustees of the parish, except where such rights and to apply. obligations are inconsistent with this act. Exception.

**17.** Nothing in this act shall be interpreted as restricting Act not the general power of the said *œuvre et fabrique* to contract restrictive. loans.

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