

## CHAP. 133

An Act respecting the former Roman Catholic cemetery of the parish of St. Pie, in the county of Bagot.

[Assented to 5th March, 1915]

## Preamble.

**W**HEREAS the school commissioners for the municipality of the village of St. Pie, in the county of Bagot, have by their petition represented:

That in 1898, *l'Oeuvre et Fabrique* of the parish of St. Pie, county of Bagot, by resolution to that effect, decided to change the site of the Catholic parochial cemetery then in existence, and to that end it acquired a lot of land to be used for the proposed new cemetery, and on the 30th July, 1899, at a meeting of the church-wardens held for the purpose, it resolved to have the bodies buried in the former cemetery transferred to the new one, appointing the Reverend François Santenac, parish priest of the said parish, its attorney for the purpose of obtaining the necessary permission to that effect from the religious and civil authorities;

That, after having the necessary authorization from the superior ecclesiastical authority of the diocese of St. Hyacinthe, the said *fabrique* applied to the civil authorities by petition dated the 10th August, 1899, presented to the Honourable Louis Tellier, judge of the Superior Court for the district of St. Hyacinthe, praying for permission to exhume the bodies buried in the former cemetery, in order to convey them to and bury them in the new one;

That such petition was granted on the 22nd August, 1899, and the exhumation was accordingly effected in 1899, 1900, and 1901, throughout the whole of the said cemetery, by the families interested and by parishioners, by voluntary labor, also at the expense of the *fabrique* itself, and the bodies so exhumed were reinterred in the new cemetery;

That, when the work was done, every religious feature of the former cemetery disappeared, and it became, without protest from anybody, a mere field, and it was considered by everybody that the bodies had all been removed therefrom and that it was no longer a cemetery;

That the school commissioners of the village of St. Pie having decided to build a boys' academy, the *fabrique* of St. Pie wished to aid in the carrying out of such work, and, following in this the advice and direction of His Lordship Monseigneur Bernard, bishop of St. Hyacinthe, in a letter to the parish priest of St. Pie, dated the 13th December, 1912, and being authorized by a resolution to

that effect unanimously adopted by the old and new churchwardens and freeholders of St. Pie, at a meeting held on the 22nd December, 1912, the said *fabrique*, by deed passed at St. Pie on the 22nd April, 1913, before Mr. G. D. Morin, notary, gave by gift *inter vivos* to the said school commissioners of the municipality of the village of St. Pie, the usufruct of a portion of the land of the former cemetery, designated as follows:

"A lot of land about an arpent and a half in area, bounded on the north by La Présentation street, on the east by St. François avenue, on the south by a line to be drawn about forty feet from the wall of the sacristy of the parish church, on the west, by the land of the palisades, which lot of land is known and designated on the official p'an and book of reference of the cadastre of the parish of St. Pie, as part of lot No. 493",—on the condition that the said school commissioners should build on the said lot, for the opening of the school year, 1914-15, a commercial academy which shall be Catholic, and as such have the approval of the diocesan ordinary, and maintain the said academy as a Catholic one, and approved as such by the diocesan ordinary; the said deed was duly registered in the registry office of the county of Bagot;

That, in accordance with the stipulations of the said deed, the school commissioners of the municipality of the village of St. Pie caused a commercial academy to be erected on the said lot according to plans and specifications, approved by the Superintendent of Public Instruction, at a cost of eleven thousand dollars, six thousand dollars whereof have been furnished by the Government of this Province;

That the remainder of the land of the former cemetery was converted by the *fabrique* of St. Pie, into a carriage road, for the convenience of the parishioners who had asked, for the same;

That, while work was being done on the said school in 1913, a certain number of bodies were uncovered, which were conveyed to and buried in the new cemetery;

That, in order to avoid trouble and maintain public peace in the village of the parish of St. Pie; to protect *l'œuvre et fabrique* of the said parish against all claims which might arise in connection with the alleged insufficiency of the removal of bodies from the said cemetery; to secure for the school board of the village of St. Pie, the peaceful enjoyment of the commercial academy which it is building with the aid of the government of this Province, and at the request of the department of Public Instruction, on that portion of the former cemetery whereof it accepted the usufruct for such purpose in good faith, it is desirable

and in the interest of the said school commissioners and of all the parishioners of St. Pie, that an act be passed, enacting that the former Roman Catholic cemetery of the parish of St. Pie is and shall remain affected to the purpose to which it was destined in 1901, and specially from the 22nd December, 1912, inclusive, and ratifying, confirming and declaring legal and valid to all intents and purposes: 1. The resolution passed by the old and new churchwardens of the *l'œuvre et fabrique* and the freeholders of St. Pie, of the 22nd December, 1912, authorizing *l'œuvre et fabrique* of the parish of St. Pie, to cede in usufruct to the school board of the village of St. Pie the above described portion of the former cemetery on the conditions set forth in the said resolution; 2. the gift of the usufruct of the same portion of the former Roman Catholic cemetery of the parish of St. Pie, by *l'œuvre et fabrique* of the parish of St. Pie to the school commissioners for the municipality of the village of St. Pie, by deed before Mr. G. D. Morin, notary, at St. Pie on the 22nd April, 1913, under the No. 1034 of the repertory of the said notary, and registered in the registry office of the county of Bagot;

And whereas the petitioners have prayed that an act be passed to the above effect, and it is expedient to grant the prayer contained in 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:

Cemetery to remain affected to certain purposes.

**1.** The former Roman Catholic parochial cemetery of St. Pie is, and shall remain affected to the purposes for which it has been destined since 1901, and especially since the 22nd December, 1912, inclusive.

Ratification clause.

**2.** The following are ratified and declared legal and valid to all intents and purposes:

The resolution adopted by the old and new churchwardens of *l'œuvre et fabrique* and the freeholders of St. Pie, of the 22nd December, 1912, authorizing *l'œuvre et fabrique* of the parish of St. Pie to cede in usufruct to the school board of the village of St. Pie a certain portion of the land of the former cemetery, on the conditions set forth in the said resolution;

The donation of the usufruct by *l'œuvre et fabrique* of the parish of St. Pie to the school commissioners for the municipality of the village of St. Pie of that part of the former Roman Catholic cemetery of the parish of St. Pie, described as follows: "a lot of land about an arpent and a half in area, bounded on the north by La Présentation street, on the east by St. François

avenue, on the south by a line to be drawn about forty feet from the wall of the sacristy of the parish church, on the west, by the land of the palisades, which lot of land is known and designated on the official plan and book of reference of the cadastre of the parish of St. Pie, as part of lot No. 493"—by deed before Mr. G. D. Morin, notary, at St. Pie, dated the 22nd April, 1913, under No. 1034 of the minutes and repertory of the said notary.

3. If, in the course of any work which may be later done in consequence of the said new destination of the property, other bodies should be discovered in the former cemetery, such bodies shall be conveyed to and reinterred in the present cemetery.

4. Notwithstanding the provisions of article 481 of the Civil Code, the gift of usufruct, dated the 22nd April, 1913, by *l'œuvre et fabrique* of the parish of St. Pie, to the board of the parish of St. Pie, and bearing the number one thousand and thirty-four of the minutes of Mr. Georges Dorèze Morin, N. P., shall be valid for a period of more than thirty years, and shall be valid and have force and effect as long as the obligations contracted by the said school corporation, in virtue of the said deed of gift, are observed.

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

## CHAP. 134

An Act respecting the building of the church, sacristy and presbytery of the parish of St. Pierre Claver.

[Assented to 5th March, 1915]

**W**HEREAS the parish priest and churchwardens of *l'œuvre et fabrique* of the parish of St. Pierre Claver have by their petition represented:

That it is urgent for the well-being of the parish that a church and sacristy, including a chapel and presbytery, be built as soon as possible on the land held by the *fabrique* for that purpose;

That it is necessary that special legislation be adopted to provide for the payment for the lots purchased by the said *fabrique* with the approval of the ordinary, by the building of the said church, sacristy and presbytery, by borrowing the moneys necessary to that end;