

## C H A P . 1 3 5

An Act respecting the building of the church, sacristy and presbytery of the parish of Notre-Dame du St. Rosaire de Montréal.

[Assented to 5th March, 1915]

**W**HEREAS the parish priest and churchwardens of *Preamble.*  
*l'œuvre et fabrique* of the parish of Notre-Dame du Saint Rosaire de Montreal have, by their petition, represented:

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

That the provisions of chapter I of title IX of the Revised Statutes, 1909, do not meet the petitioners needs; that, in particular, it is advisable, owing to the peculiar situation of the parish, to substitute a less complex organization to that of the corporation of parish trustees; that, moreover, the petitioners need special facilities for borrowing and repaying money, and that, on account of the increasing growth of the population and frequent changes of ownership, it is necessary to change, every year, the rate of assessment to be imposed, and limit to payments due the privilege affecting the immoveables of the freehold inhabitants in consequence of such assessments;

That it is necessary for such purposes to obtain special legislation;

That the freehold inhabitants have unanimously approved the said petition;

Whereas 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:

**1.** The parish priest of the parish of Notre-Dame du St. Rosaire de Montréal and the three churchwardens in office of *l'œuvre et fabrique* of the said parish, elected according to law, are, for all the purposes of this act, incorporated under the name of the Trustees of the parish of Notre-Dame du St. Rosaire de Montréal. *Incorporation of Trustees.*

**2.** The said trustees are authorized to effect a loan not exceeding two hundred thousand dollars, which shall be *Loan* authorized.

devoted to building and furnishing a church, sacristy and presbytery within the limits of the said parish.

How loan  
shall be  
made.

**3.** Such loan may be effected for a period of forty-one years, by means of a notarial deed or by the issue of bonds and debentures, with a sinking-fund or otherwise; it may likewise be repaid by annuities as may be deemed preferable.

Assessment  
to be levied.

**4.** The trustees may levy every year during a period of forty-one years, by act of assessment on all the immoveables in the parish belonging to Roman Catholics, whether they reside in the parish or not, an amount sufficient for the payment of the interest and sinking fund or annuities, as the case may be, and the costs occasioned by the said assessment, by the negotiation of the loan, and the passing of this act, as well as for the payment of all other incidental expenses.

Assessment  
to constitute  
first privileg-  
ed debt.

**5.** The amount of the assessment shall be the first lien and the first privileged debt on the immoveables, in accordance with article 4349 of the Revised Statutes, 1909; but the immoveables of the freehold inhabitants and such inhabitants themselves shall be liable only for the amount of the payments due on the said assessment, and such assessment shall be reduced in proportion to the increase of the value of the property assessed.

Secretary.

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

Act of  
assessment  
to be made  
every year.

**7.** Every year, a fresh act of assessment shall be made based on the valuation roll of the city of Montreal in force on the first day of October previous to the maturity of the payments to be made; and the said deed of assessment shall not be subject to homologation by the civil commissioners appointed and acting under the Revised Statutes, 1909.

Special valua-  
tion for cer-  
tain property.

**8.** Notwithstanding the said municipal valuation roll, the lots bearing the numbers 484, 486 and 487 of the official plan and book of reference of the parish of Sault-au-Recollet, and respectively belonging to Dame Delphine Jasmin, of Montreal, widow of the late Stanislas Jarry, in his lifetime farmer, of St-Laurent, and to Michael Edward Hughes, of Montreal, shall be valued and assessed by the trustees at one hundred dollars per arpent only, so long as the said lots are not subdivided into building lots, and continue to belong to the present owners or their heirs.

Condition.

**9.** The said act of assessment shall be deposited on or before the first of November of each year in the secretary's office, where the interested parties may take communication thereof at the hours fixed by the trustees; and it shall be homologated by the said trustees on the day and at the hour that they may fix by notice read aloud and posted at the door of the church or chapel of the parish, at least eight days before. Such homologation shall be made in the same manner and shall have the same effect as homologation by civil commissioners acting in virtue of article 4335 of the Revised Statutes, 1909.

**10.** The assessment shall begin from the first of July of each year, commencing on the first of July, 1915, and the amount thereof shall be exigible and payable at the secretary's office on the 15th November of each year.

The first payment shall be made on the 15th November, 1915.

Interest at the rate of five per cent per annum shall be charged on instalments not paid within thirty days from the date when they become due.

**11.** The proceeds of the assessment of temporary loans and generally all moneys destined to the payment of the debt and of the works above mentioned, shall be deposited in a chartered bank chosen by the trustees, and shall not be withdrawn therefrom, except on the signatures of the parish priest and of the senior churchwarden.

**12.** Suits for the recovery of the sums stated 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.

**13.** The trustees may insure the buildings against fire and other risks, out of the proceeds of the assessment.

**14.** To secure the repayment of the capital and interest of the loan, the trustees may hypothecate the church and sacristy, and may transfer the above-mentioned assessment.

**15.** The trustees are authorized to effect on the security of the assessment such loans as they may deem advisable for the execution of the work of erecting the said buildings, provided the total amount so borrowed shall not exceed two hundred thousand dollars.

**16.** The trustees may have plans and specifications

powers of trustees. prepared, call for tenders, make contracts, superintend the works, begin and maintain all contestations they may deem necessary, and generally perform all necessary acts to attain the object of this act.

Approval of Ordinary. **17.** The plans of the church, sacristy and presbytery, as well as the specifications, shall be approved by the Ordinary of the Archbishopric of Montreal previously to being carried out.

Calling of meeting. **18.** The parish priest may call a meeting of the trustees by a mere letter addressed to each of them at least one clear day before such meeting.

Proceedings. Such meetings shall be held in the same manner as churchwardens' meetings, and the proceedings shall be entered in the minute book of the *fabrique*. The quorum for such meetings shall be three.

Quorum. Casting vote. When the votes are equally divided the parish priest shall, in addition to his vote as trustee, have a casting vote as chairman.

General powers. **19.** In addition to the powers specially conferred on them by this act, the trustees shall enjoy all the rights, powers and privileges granted to corporations of trustees under the Revised Statutes, 1909.

Provisions not applicable. **20.** The provisions of section III of chapter first of title IX of the Revised Statutes, 1909, shall not apply to the affairs forming the subject matter of this act, unless there is an express declaration to that effect.

Exception. **21.** Nothing in this act shall be interpreted as restricting the general power of the *fabrique* to contract loans.

Borrowing power of *fabrique* not restricted. **22.** This act shall come into force on the day of its sanction.

Coming into force.

## CHAP. 136

An Act respecting the building of a church in the parish of St. Arsène, Montreal.

[Assented to 5th March, 1915]

Preamble. **W**HEREAS the parish priest and churchwardens of *l'Oeuvre et fabrique* of the parish of St. Arsène, Montreal, have by their petition represented:  
That it is urgent for the well-being of the parish to build,