

C H A P . 1 2 4

An Act respecting the *Fabrique* of the parish of St. Clément.

[Assented to 14th March, 1912.]

WHEREAS, the *curé* and churchwardens of *l'œuvre et fabrique* Preamble.

of the parish of Saint Clément, have by petition, represented that, through the increase of the Roman Catholic population of said parish, the present church and sacristy are wholly insufficient and that it is necessary to enlarge them or build larger ones;

That the debt contracted by the *fabrique* for the building of the church, sacristy and presbytery amount to forty-four thousand eight hundred dollars whereof thirty thousand dollars are due to a commercial corporation and fourteen thousand eight hundred dollars to individuals;

That it cannot out of its revenues either extinguish the debt or pay the cost of such works; and that it is desirable in order to meet its obligations that the *fabrique* be authorized to borrow a sum not to exceed one hundred and fifty thousand dollars and that the freeholders have given their consent thereto;

Whereas, it is expedient to grant their 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* and churchwardens of *l'œuvre et fabrique* of Enlargement of the parish of Saint Clément, hereafter called "the *fabrique*," of certain are authorized to enlarge the present church and sacristy of church, &c., the said parish or to build larger ones if the latter be deemed authorized. more advantageous, and to provide for the furnishing of them.

The plans and estimates shall be approved by the bishop.

2. As regards all that concerns the matters intended by Certain persons to act this act, Messrs. Eugène Bernier, Théophile Leclaire and with *curé*, Anselme Bissonnette who have been unanimously chosen &c. by a meeting of the inhabitants who are freeholders of the said parish, shall be associated with the *curé*, the former churchwardens and churchwardens in office and shall act with them as if they formed part of the general meeting of the *fabrique*. The quorum of the board so formed, which board is hereafter called the special board shall be four.

In the event of the refusal to accept or to continue in office, Filling of vacancies. the death, absence from the parish or inability to act during three consecutive months of any of the three associates, the vacancy shall be filled by the majority of the inhabitants

who are freeholders and who are present at a meeting called and held in the usual manner.

Qualifica-
tion of
members.

The associate members shall be Roman Catholic inhabitants of the said parish who are freeholders.

Preparation
of plans,
&c.

3. The *fabrique*, acting through the special board, may have plans and estimates prepared, ask for tenders, enter into a contract, supervise the works, enter and defend any action it may deem expedient, and do all acts necessary to attain the object of this act.

Manage-
ment of
church, &c.

After the work has been finished and accepted and the accounts settled and paid, the church and sacristy shall be administered by the *fabrique* according to the provisions of parochial law. The duties of the associates shall then be limited to assessing and shall last only so long as assessments are necessary.

Loan author-
ized.

4. The *fabrique* may, through the special board, borrow a sum not to exceed one hundred and fifty thousand dollars, to consolidate the present debt and pay the cost of the said works.

Duration of
loan, &c.

Such loan may be made for a period which shall not exceed fifty years, by notarial deed or bonds with a sinking fund; it may also be made reimbursable by yearly instalments.

Mortgage of
immove-
ables, &c.

To secure the accomplishment of the conditions of the loan, the *fabrique* may mortgage its immoveables, including the church, sacristy and presbytery.

Transfer of
right to levy
moneys.

It may also transfer the right to levy monies by means of the assessment hereinafter mentioned.

Approval by
bishop.

The conditions of the loan shall be approved by the bishop.

Payment of
interest, &c.

5. In order to meet the interest and the sinking fund or yearly instalments, according to circumstances, the *fabrique* shall use the excess of its receipts over expenditure each year; and, for the balance, it may, through its special board, assess the Roman Catholic proprietors of lands and other immoveables situated in the parish.

Exemption
of certain
immove-
bles.

The immoveables belonging to *fabriques*, churches and buildings occupied as educational establishments shall not be subject to assessment.

Privilege of
assessment.

The amount of the assessment shall constitute the first obligation and first privileged debt on the immoveable, in accordance with article 4349 of the Revised Statutes 1909; but the proprietors shall not be held nor the immoveables affected for more than the payments expired.

Rendering of
accounts of

6. The accounts of the special board shall be rendered on or before the first day of February in each year, in the same

manner as those of the churchwarden going out of office, and special article 4385 of the Revised Statutes 1909, shall apply, *mutatis* board.
mutandis, to such rendering of accounts.

The assessment roll shall be made during the thirty days following the rendering of accounts and shall be based on the municipal valuation roll then in force. Making of assessment roll.

The board may appoint a paid secretary-treasurer and shall, at its own cost obtain security for such officer for at least two thousand dollars. Paid secretary-treasurer, &c.

After completion the assessment roll shall remain deposited during fifteen consecutive days, in the presbytery of the parish or office of the secretary-treasurer appointed under this act, for the interested parties to take communication thereof at the hours fixed by the special board. Deposit of assessment roll, &c.

The *curé* shall give notice of the deposit and of such hours for two consecutive Sundays, at each mass, and he shall at the same time mention the date when the payments are exigible and the place where they are to be made. Notice of deposit, &c.

The board may, at any time, correct any mistakes pointed out to it. Correction of mistakes.

7. The sum to be levied each year shall be exigible and payable on the first day of April, at the office of the secretary-treasurer appointed as aforesaid, or at the presbytery, at the option of the special board. When assessment payable.

The *fabrique* through the special board shall be entitled to exact interest at the rate of five per cent on payments not made within thirty days of their maturity; it may also grant a discount of three per cent on payments made within fifteen days of maturity. Interest on part due instalments, &c.

The monies arising from surpluses of the *fabrique*, from assessments, temporary loans and all monies intended for the payment of the debt and the above mentioned works shall be deposited in a chartered bank, chosen by the special board and shall only be withdrawn on the joint signatures of the *curé* and churchwarden in office. Deposit of certain money in bank, &c.

8. Suits for the recovery of sums entered in the assessment roll shall be taken in the name of the *fabrique* by the special board, before the Circuit Court or Superior Court according to the amount claimed. Suits for assessments.

9. The *curé* or three members of the special board may call a meeting of the board, by letter, upon one clear day's notice. The meetings shall be held in the manner of meetings of churchwardens, and the minutes shall be entered in the minute book of the meetings of the *fabrique*. Calling meetings of board, &c.

Insurance of buildings. **10.** The special board may insure the said buildings against fire and other risks, in the name of the *fabrique*.

Certain law to apply. **11.** The provisions of section 3 of chapter 1 of title ninth of the Revised Statutes, 1909, shall not apply, unless it be expressly declared, to the matters which are the object of this act.

Coming into force. **12.** This act shall come into force on the day of its sanction.

C H A P . 1 2 5

An Act to authorize *Les Dames de l'Asile de Montréal pour les Orphelins Catholiques Romains* to sell an immoveable on St. Catherine street, in the city of Montreal.

[Assented to 14th March, 1912.]

Preamble. **W**HEREAS the corporation of *Les Dames de l'Asile de Montréal pour les Orphelins Catholiques Romains*, a body politic incorporated by an act of Parliament 4-5 Victoria, chapter 62, has, by its petition represented:

That it is the proprietor in possession of an immoveable on St. Catherine street, in the city of Montreal, forming part of Nos. 266 and 267 of the cadastre of St. Lawrence Ward, measuring 100 feet in front on the said street by 140 feet in depth, on which the said corporation has erected a building now occupied by and for the purposes of an asylum for Roman Catholic orphans;

That such property is situated in a business part of the city and the corporation has received advantageous offers for the sale of the said immoveable;

That the said corporation proposes to devote the proceeds of sale of the said immoveable to the purchase of another lot of land and the rebuilding of the said asylum, which would secure the permanence for the future of the said institution which has hitherto been supported by public charity and would procure it the means of more effectively fulfilling the objects to which it is destined;

And whereas the said immoveable was acquired for the purposes of the said Asylum, and doubts had been raised as to the power of the said corporation to reconstruct upon other land, and it is expedient to dispel all doubt;

And whereas it is expedient to grant the prayer to the above effect contained in the said petition;

Therefore, His Majesty, with the advice and consent of the