

- 11.** The word grantee in the present act means the person who has acquired the lot. Interpretation of word : grantee.
- 12.** For all sanitary purposes the Cemetery of Notre-Dame des Neiges is placed under the control of the municipal sanitary authorities of Montreal. Sanitary regulation of cemetery.
- 13.** As the present law is of a declaratory nature, it applies to lots which are now, or which may be, hereafter, conceded. Act declaratory, &c.
- 14.** This act shall come into force on the day of its sanction. Coming into force.

C H A P. 93

An Act to provide for the establishment of a *fabrique* and for the election of church-wardens, in the parish of Saint Charles Borromée, in the diocese of Montreal

[Assented to 26th March, 1902]

WHEREAS His Grace *Monseigneur* Paul Bruchési, Arch-bishop of Montreal, together with a certain number of Roman Catholic inhabitants of the parish of St. Charles Borromée, in the diocese of Montreal, acting in accordance with the desire of a very great majority of parishioners have, by their petition represented : Preamble.

That, by a deed of gift, made and passed in authentic form, before Mtre. J. O. LeBlanc, notary, and his colleague, L. Désaulniers, in the village of Industrie, on the fourth of February, 1850, and duly registered, the Honorable Barthélemy Joliette, then member of the Legislative Council of the Province of Canada, residing in the said village of Industrie, and Dame Charlotte Tariou Taillant de Lanaudiere his wife, by him duly authorized, jointly made a gift, *inter vivos* to the Roman Catholic episcopal corporation of Montreal, represented in the said deed by *Monseigneur* Ignace Bourget, then bishop of Montreal, present and accepting thereof with the usufruct and enjoyment forever : 1. Of a lot of land situate in the said village of Industrie and described in the said deed, as well as a church, sacristy, presbytery, and other buildings and dependencies thereon erected ; 2. Of all the assets of the said church, as also of the moveables and moveable effects furnishing the said church or used for divine worship or in the celebration of religious offices in the said church according to a list contained in the said deed ;

That such gift was made on condition that the Roman Catholic episcopal corporation of Montreal should : 1. Provide for the holding of divine service in the said church for the Roman Catholics residing in the said parish of Saint Charles Borromée : 2. Keep and maintain in good order all the property given, and moreover provide everything that might be required each year for divine worship in the said church : 3. Provide for the suitable and proper subsistence of the *curé* of the said parish, out of the revenues of the said church and dependencies, and by making the parishioners contribute thereto if necessary ; 4. Employ the revenue of the church and dependencies solely in fulfilling the conditions of the said gift ; 5. Consult the donor with reference to any extraordinary expenditure that the *curé* of the parish might wish to make, and control such expenditure itself ; 6. Cause the *curé* of the parish to keep a book of the receipts and expenditure of the said church, which book should be shown every year to the donor and submitted to the approval of the bishop of Montreal ; 7. Never alienate, pledge or hypothecate the usufruct or enjoyment of the said lot and dependencies which were stipulated to be non-seizable in future, but saving the right of the said corporation to concede lots in consideration of non-redeemable ground rents, which rents would nevertheless be subject to all the charges, clauses and conditions of the said gift ; 8. Continue the reverend Antoine Manseau, priest and vicar general, in his position of *curé* of the said parish ;

That, by the same deed, the same donors gave as a gift *inter vivos* to the Roman Catholic inhabitants of the said parish, as then canonically erected and civilly recognized, the mere ownership of the immoveable described in the said deed and of its dependencies, including a certain lot reserved forever for the purpose of building thereon a chapel of the congregation of Notre-Dame du Bon Secours ;

That the clauses, charges and conditions of the said deed of gift have been executed, observed and followed until the present day, in so far as they could be ;

That the said parish of Saint Charles Borromée was canonically erected and bounded by a decree of the bishop of Montreal on the 23rd of December, 1843 ; and that the said decree was confirmed and civilly recognized on or about the 16th of June, 1845 ;

That, at the date of the said gift, the village of Industrie was comprised within the limits of the said parish of Saint Charles Borromée ;

That the said village of Industrie, founded by the said Barthélemy Joliette, has increased and has become the town of Joliette, and has been constituted a distinct corporation by the act of the Province of Canada, 27 Victoria, chapter 23 ;

That the said parish of Saint Charles Borromée now comprises two distinct municipalities: that of the town of Joliette and that of the parish of St. Charles Borromée, which municipalities form but one and the same parish as regards Roman Catholic worship;

That the presbytery mentioned in the said deed of gift had to be demolished, as it was in a ruinous condition, and was replaced by another, erected at the expense of the Roman Catholic inhabitants of the said parish;

That the church and sacristy mentioned in the said deed of gift also had to be demolished, because they were too small and insufficient for the requirements of the population of the parish, and that they were replaced by a more spacious church and sacristy, also built at the expense of the same inhabitants on the lot mentioned and described in the said deed of gift;

That the new church and sacristy were built under the acts of this Province 46 Victoria, chapter 43, and 52 Victoria, chapter 105;

That most of the other buildings and dependencies, erected on the lot mentioned and described in the said deed of gift, have also disappeared and had to be replaced;

That the cemetery of the said parish, which was also on the said lot at the date of the said deed of gift, had also to be changed, and has been established in another lot purchased for that purpose;

That the new buildings, as well as the changes that have occurred, have naturally necessitated heavy contributions on the part of the Roman Catholic inhabitants of the said parish;

That such contributions have considerably increased and will increase still more in the near future, seeing that the new church has been built on defective soil;

That, on the 16th of September last, the steeple of the new church was blown down by the wind, and that its fall caused very great damage to the whole building;

That, after the said accident, the Roman Catholic freeholders of the said parish of Saint-Charles Borromée, applied by petition to their archbishop for authorization to manage the temporal affairs of the church themselves, through church-wardens elected in virtue of the general laws governing *fabriques* in this Province;

That His Grace *Monseigneur* Paul Bruchési graciously granted the request, and that the Roman Catholic episcopal corporation of Montreal also consented to abandon and convey to *l'œuvre et fabrique* of the said parish the usufruct and enjoyment of the property, rights and actions belonging

to it under the said deed of gift, as well as all property, rights or actions it possesses under the acts of this Legislature, 46 Victoria, chapter 43, and 52 Victoria, chapter 105, subject to the approval, confirmation and ratification of the Legislature of Quebec ;

That, under these circumstances, it is desirable that an act be passed to authorize the establishment of a *fabrique* and the election of church-wardens in the said parish, and to approve, confirm and ratify the said abandonment or conveyance by the Roman Catholic episcopal corporation of Montreal to *l'œuvre et fabrique* of the said parish ;

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 :

Parishioners of St. Charles Borromée may elect church-wardens.

1. The Roman Catholic inhabitants, residing in the said parish of St. Charles Borromée, in the diocese of Montreal, are authorized to elect church-wardens for all the purposes provided for by the general laws governing *fabriques* in this province.

Number and qualifications.

2. Such church-wardens shall be three in number, two of whom shall be chosen from amongst the freehold inhabitants of the municipality of the town of Joliette, and the third from amongst the freehold inhabitants of the municipality of the parish of St. Charles Borromée.

How elected.

3. Such church-wardens shall be elected at a meeting, called together by the sound of the bell, after notice given from the pulpit on two consecutive Sundays, and be held according to the provisions of article 3438 of the Revised Statutes of the Province of Quebec.

When first election to be held. Subsequent elections.

4. The first election shall be held as soon as possible after the coming into force of this act ; and subsequent elections shall take place on the last Sunday of December, in each year.

If election not held on day fixed.

5. If, for any reason whatsoever, an election does not take place at the time prescribed, it shall be held as soon as possible after the date on which it should have been held according to law.

Term of office, &c.

6. The church-wardens shall be elected for three years ; nevertheless that one among the three church-wardens who, at the first election, shall have obtained the greatest number

of votes shall be recognized as church-warden in office, and shall be replaced at the first annual election following his election by the church-warden who, at the first election, obtained the greatest number of votes after him, and the latter shall, himself, at the second annual election, be replaced by the third church-warden.

7. The church-wardens shall, with the *curé* of the parish, constitute a corporation under the name of "*Les curé et marguilliers de l'oeuvre et fabrique de la paroisse de St. Charles Borromée de Joliette*," which corporation shall be governed in all respects by the general laws applying to *fabriques* in this province.

Corporation
of church-
wardens and
curé.
Name.

8. The abandonment or conveyance, by the Roman Catholic episcopal corporation of Montreal to *l'oeuvre et fabrique* of the said parish, of all the rights, properties and actions whereof it may have hitherto had the usufruct and enjoyment, in virtue of the deed of gift in its favor by the Honorable Barthélemy Joliette and Dame Charlotte Tarieu Taillant de Lanaudière, his wife, by deed before Mtre. J. O. Leblanc and his colleague L. Desaulniers, on the 4th of February, 1850, as well as of all the properties, rights and actions it may have hitherto possessed under the acts of this Legislature, 46 Victoria, chapter 43, and 52 Victoria, chapter 105, is hereby approved, confirmed and ratified; and *l'oeuvre et fabrique* of the said parish is hereby declared to be the absolute and incommutable owner of all such properties, rights and actions

Certain
abandonment
to *fabrique*
ratified, &c.

9. Immediately after the first election of church-wardens, the council of administration of the parish church of St. Charles Borromée de Joliette, as created and constituted by the said act 46 Victoria, chapter 43, shall cease to exist; the members of such council, as well as its president, shall be bound and obliged to account to *l'oeuvre et fabrique* of St. Charles Borromée de Joliette for their management and administration, as well as for everything they may have in hand, adding to such account a complete detailed statement of the assets and liabilities of the said council; and such account shall be subject to the approval of the Ordinary.

Council of
administra-
tion to cease
to exist after
election of
church-war-
dens.
Accounting
by council,
&c.

10. The *fabrique* shall be deemed to be the universal successor to the said council of administration from the moment of the first election of church-wardens; it shall, under the present act, be *de jure*, seized with the full ownership of everything it possessed, including its actions and privileges, without any signification or notification being necessary; and it shall, in the same manner, be liable for all debts, obligations and engagements.

Fabrique to
succeed to
council.

Fabrique
liable
for certain
debts of
episcopal
corporation.

11. The *fabrique* shall be likewise liable for all debts, obligations or engagements which the said Roman Catholic episcopal corporation of Montreal may have contracted, in virtue or in execution of the deed of gift above-mentioned or in virtue or in execution of the said acts 46 Victoria, chapter 43, and 52 Victoria, chapter 105 ; and the said corporation is hereby discharged from all such debts, obligations or engagements.

Property
declared non-
transferable.
&c.

12. The properties that are declared non-transferable, inalienable and unseizable by the said deed of gift, shall also continue to be non-transferable, inalienable and unseizable.

Provision in
case town of
Joliette
becomes an
episcopal see.

13. Should the town of Joliette become an episcopal see, all the clauses of this act, respecting the establishment of a *fabrique* and the elections of church-wardens or the administration of the parish, in accordance with the general laws governing *fabriques* in this province, shall *de jure* become null and void for the future ; and, in such case, the *fabrique* shall cease to exist as a corporation, and the bishop of Joliette shall succeed it in all its rights and obligations, provided that the church shall always remain the parish church of the Roman Catholic inhabitants of the said parish, and provided that the bishop shall keep the church, sacristy and presbytery of the said parish constantly insured for two thirds of their value, in order that the proceeds of the insurance may serve for rebuilding in case of fire.

Right of
bishop in
such case.

Proviso.

46 V., c. 43,
and 52 V., c.
105, repealed,
&c.

14. The said acts 46 Victoria, chapter 43, and 52 Victoria, chapter 105, are hereby repealed, but without prejudice to anything that may have been done under the said acts.

Costs of this
act.

15. The costs incurred for the passing of this act shall be paid by the said *fabrique*.

Coming into
force.

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