

CAP. XCVI

An Act to amend and consolidate the act incorporating the
Fraternité du Tiers Ordre de Saint-François d'Assise de
Montréal.

[Assented to 10th March, 1899]

WHEREAS the *Fraternité du Tiers Ordre de Saint-François d'Assise de Montreal*, has, by petition, represented : that since its incorporation under the act 50 Victoria, chapter 30, the *Tiers Ordre* has assumed considerable proportions in the city of Montreal and elsewhere, and it has become necessary to amend and consolidate the act incorporating the same ;

Whereas the fraternity has prayed for the same by its petition, and it is expedient to grant such prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

CHAPTER I.

SUPERIOR COUNCIL.

1. Messrs. L. J. A. Derome, Paul Pepin, John O'Neil, Jean Baptiste Larue, M. C. Galarneau, Joseph Audet, L. A. G. Jacques, J. Marc Beauchamp and the other persons who are now or may become members of such religious order in accordance with its present or future rules or constitution, are hereby constituted a corporation under the name of the *Tiers Ordre de Saint François d'Assise de la province ecclésiastique de Montréal*, with all the rights, powers, and privileges of corporations founded for spiritual, religious, moral and civil purposes.

2. The corporation shall be administered by a superior council, consisting of a director-general appointed by the superior of the Minorite Friars of Montreal, of the directors of each incorporated fraternity, and of a delegate from each of such fraternities elected every year by the council of each fraternity ; if several fraternities have the same director, he shall select the one which he desires to represent, and the other fraternities shall elect a second delegate. The delegates shall elect, from among their number, a president, a vice-president, a secretary and treasurer, and an administrator.

The members of such council shall be of the male sex, and tertiaries if they be not already priests or religious.

3. The fraternities of sisters shall select their delegates from among any priests, religious, or laymen who are members of the *Tiers Ordre*.

Change in
number of
delegates.

4. The superior council, with the consent of the director-general may change the number of the delegates from each fraternity in such proportion as it may deem advisable.

Powers of su-
perior coun-
cil.

5. The superior council shall be charged with the general temporal interests of the whole order; it shall also have power to decide finally upon all temporal questions referred to it by the fraternities.

Conflicts of
jurisdiction.

6. In case of conflict of jurisdiction between the superior council and the fraternities, the superior of the Minorite Friars or Franciscans of Montreal shall finally decide to whom such jurisdiction shall appertain.

Finances of
fraternities
how consti-
tuted.

7. The superior council shall have nothing to do with the finances of the fraternities, subject however to the restriction hereinafter specified, unless a question concerning the same be referred to it by a fraternity, but it may levy an annual or special contribution upon each of them for the general costs of management, expenses of congresses, or others of a general nature.

How superior
council acts.

8. The superior council may act through general or special committees, to which it may delegate the whole or a part of its authority.

Power to
make rules for
certain pur-
poses.

9. It may make rules respecting its elections, its committees, its internal management, its own finances, its congresses or other meetings, the number of members required to constitute a quorum at its meetings, and everything relating to its interests, which rules shall have force of law as regards all its members, provided that they be not contrary to the present charter, nor to the laws of the Province of Quebec.

Veto of rules.

The superior of the Minorite Friars or Franciscans of Montreal may, however, signify in writing his disapproval of such rules, and in such case they shall become null and void from the date of the receipt of such notice.

When first
election of
delegates to
take place.

10. The first delegates shall be elected by their respective councils in the course of the month of April or May, 1899.

CHAPTER II.

FRATERNITIES.

Division of
corporation
into fraterni-
ties.

11. The said corporation is divided into distinct fraternities of men and women, which fraternities are established and organized according to the rules of the *Tiers Ordre*.

12. Each fraternity shall constitute a distinct corporation, with all the rights, powers and privileges of corporations founded for civil, spiritual, religious and moral purposes, and shall be known under the name of *Tiers Ordre de Saint-François d'Assise, Fraternité de.....* (the canonical name of the fraternity), as soon as it shall have obtained the consent of the director of the *Tiers Ordre* at Montreal between this date and the first of June, 1899, and, after that date, of the superior council and of the director general.

Each fraternity a distinct corporation.

Name.

Consent required.

13. Each fraternity shall be governed by a council elected in accordance with the rules of the *Tiers Ordre*, which council may make such rules as it may deem advisable for the temporal government of its members, and to fix the quorum of its meetings. Nevertheless, such rules, as well as any resolution of the council of a fraternity, may be set aside by the majority of the superior council; provided such majority comprises the director-general. In such case, a written notice thereof shall be given to the fraternity, and the nullity of the rule shall date from the receipt of such notice.

Management of fraternities.

CHAPTER III.

GENERAL MATTERS.

14. The aforesaid corporations may, each separately, acquire moveable and immoveable property in any manner, provided that the annual value does not exceed twenty thousand dollars; they may acquire, lease, alienate, borrow, hypothecate, act and contract in any manner, provided they do nothing inconsistent with the rules of the *Tiers Ordre* or the laws of the Province of Quebec; but no fraternity can become indebted for an amount exceeding one hundred dollars without the consent of the superior council.

Power to acquire property to certain value.

15. The members of such corporations personally, shall have no right or claim whatsoever upon the property of their respective corporations, nor shall they be liable in any manner for their obligations.

Members not to claim property of nor to be responsible for debts of corporation.

16. In all civil matters, the president and the secretary of the superior council, and the minister and secretary of such fraternity, respectively, duly authorized by a resolution of the superior council, or by the council of the fraternity, the case may be, shall represent the corporation.

Who represents the corporation.

17. The property which has hitherto belonged to the *Fraternité du Tiers Ordre de Saint-François d'Assise de Montréal*, shall continue to belong to the same corporation,

Certain property vested in corporation.

which, in virtue of this act, shall continue to exist under the title of *Tiers Ordre de Saint-François d'Assise, Fraternité de Saint-François d'Assise de Montréal*.

Extinction of fraternities in certain event.

18. Every fraternity, which is six months without a council, may be declared extinct by the superior council in concert with the director-general.

Property of extinct fraternities in whom to vest.

19. In the event of a fraternity becoming extinct, its property shall belong to the superior council, and in the event of the extinction of the superior council, the Archbishop of Montreal shall dispose of such property as he may deem fit.

50 V., c. 30, repealed.
Saving clause.

20. The act 50 Victoria, chapter 30, is repealed, but all acts performed, rights acquired, and obligations incurred under the said act, shall continue to exist as if it had not been repealed.

Coming into force.

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

CAP. XCVII

An Act to amend the charter of the *Syndics Apostoliques des Pères Franciscains de l'Observance*.

[Assented to 10th March, 1899]

Preamble.

WHEREAS it has been represented by the petition of John O'Neil, M. C. Galarneau and J. J. Beauchamp, all of the city of Montreal, the *Syndics Apostoliques des Pères Franciscains de l'Observance*, that they were incorporated by the act 56 Victoria, chapter 88, under the corporate name of *Les Syndics Apostoliques des Pères Franciscains de l'Observance*.

Whereas since then Pope Leo. XIII has modified the constitution of the Order of Franciscans and has given it the name of Minorite Friars or Franciscans.

That the name of the syndics of the said Order under the new constitution should be as follows to wit : “ *Les Syndics Apostoliques des Frères Mineurs ou Franciscains* ;

That it is necessary to change the corporate name of the said syndics and to modify certain details of their charter respecting their property ;

Whereas it is expedient to grant the prayer to that effect contained in the petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :