

CAP. XLIII.

An Act to facilitate the building of a church and sacristy in the parish of *St. Charles Borromée de Joliette*, in the Diocese of Montreal.

[Assented to 30th March, 1883.]

Whereas His Lordship the Bishop of Montreal and ^{Preamble,} a certain number of the Catholic inhabitants (being freeholders), of the parish of *St. Charles Borromée de Joliette*, acting in obedience to the wish of the great majority of the parishioners, expressed in a petition to the said bishop, bearing date the twentieth day of January, one thousand eight hundred and eighty three, having, owing to the state of affairs existing in the said parish and resulting from a certain deed of gift to the Roman Catholic episcopal corporation of Montreal, by the late honorable Barthélemi Joliette and his wife, bearing date the fourth day of February, one thousand eight hundred and fifty, prayed by petition for the passing of an act to authorize and legalize certain proceedings to be adopted in view of the approaching reconstruction of their parish church and sacristy; and whereas 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 :

1. Immediately after the passing of this act, six trustees, ^{Appointment of trustees to carry on work.} whose chairman shall be the *curé* of the parish of *St. Charles Borromée de Joliette*, shall be appointed by the Bishop or administrator of the diocese of Montreal, by letters under the seal of the bishopric and selected from amongst the rate-payers who are owners of real estate, to the value of one thousand dollars, and residing in the parish, to superintend all operations and make all contracts and agreements necessary for the construction of a parish church and sacristy.

2. Immediately after their appointment, the *curé* and ^{Syndics a corporation.} trustees shall be constituted a body politic and corporate, and the chairman shall have the same powers and be subject to the same duties, charges and functions as the chairman of trustees, appointed under chapter 18 of the Consolidated Statutes for Lower Canada.

3. In case of the death or permanent absence from the ^{Vacancies.} parish of one or more of such trustees, others shall be appointed in their stead by the bishop or administrator of the diocese.

Name of Corporation.

4. The trustees so appointed shall be known and designated under the name of "The Trustees for the Parish of St. Charles Borromée, in the County of Joliette," and shall, under such name, constitute a body politic and corporate.

Powers and duties of trustees.

5. The trustees shall, in the exercise of their office and functions, have the same rights and powers, and be subject to the same responsibilities and duties, as the trustees elected for the same purposes under chapter 18 of the Consolidated Statutes for Lower Canada and the acts amending the same, which are not inconsistent with this act.

They shall, in all matters relating to the exercise of their office, act in concert and in harmony with the bishop or the administrator of the diocese.

Trustees to cause plans, &c., to be prepared.

6. It shall be the duty of the trustees, within two months from the date of their appointment, to cause plans and specifications to be prepared of the church and sacristy which are to be built; which plans and specifications shall not, in any manner, be carried out unless formally approved by the bishop or administrator of the diocese, to whom alone such right of approval is reserved and they may be modified, when necessary, with the same approval.

Assessments to be levied for erection of church, &c.

7. For the construction of such parish church and sacristy there shall be levied, by assessment imposed by the municipal authorities both of the town of Joliette and of the municipality of St. Charles Borromée, respectively, upon the real estate belonging to Roman Catholic proprietors only, and situate within the limits of both municipalities, a sum of thirty thousand dollars, payable in ten years, by two half yearly equal payments, payable on the first of November and May in each year until the twentieth and last payment; with the exception of the first payment which shall be payable and exigible during the course of the month of July of this year, and afterwards, on the first of November and May as aforesaid.

Upon what levied.

The said sum of thirty thousand dollars shall be levied as aforesaid in the following proportion to wit: twenty thousand dollars upon the real estate in the town of Joliette and ten thousand dollars upon the real estate in the municipality of St. Charles Borromée.

Exemptions.

8. All the properties, exempt from taxation by the act passed by the Legislature of Canada in the 27th year of Her Majesty's Reign, Chapter 23, intituled "An act to incorporate the town of Joliette," and the real estate in the municipality of St. Charles Borromée de Joliette, exempt under the Municipal Code, shall be exempt from the assessments to be levied under this act.

9. The trustees shall not commence to build the church and sacristy until they shall have in hand the first ten instalments of the assessment or an amount, equal to such sum otherwise placed at their disposal. Nevertheless, if the trustees deem advisable to commence the reconstruction of the church and sacristy sooner, they may cause such work to be done, in whole or in part, by contract or otherwise, by effecting such loan as may be necessary.

Commence-
ment of opera-
tions.

10. The trustees shall deposit, at interest, in a chartered bank of this Province or in Government funds, as they receive them, all the moneys they may have in hand for the rebuilding of the church and sacristy.

Deposit of
funds.

11. During the last fortnight of December, in each year, the trustees shall make a report of all operations to the parishioners, and render a faithful account of all their receipts and expenses, and of the interest upon the deposits by them made, as aforesaid, and of the work done. The place, day, and hour of each meeting of the trustees, shall be published once from the pulpit during the parish high mass.

Annual report
of proceedings
by trustees.

12. The trustees shall, under their corporate name, have a right to bring suits, for the performance of all duties, charges and functions imposed, and for the payment of any sum of money, which should be paid to them under this act and which is not paid, against all persons or corporations refusing or neglecting to perform such duties, charges or obligations, or to pay such sum of money when required so to do.

Trustees may
sue, etc.

13. During the two months immediately following the passing of this act, the corporation of the town of Joliette and the corporation of the parish of St. Charles Borromée, acting through their respective municipal councils, shall be empowered and shall be bound to impose, by simple resolution setting forth the terms of payment aforesaid and without any other formality, and to levy an assessment to the net amount of thirty thousand dollars on the real estate owned by Roman Catholic freeholders only, situate within the limits of the two municipalities, respectively, (excepting however those exempt under this act), and to levy also such additional sum as they may deem sufficient to cover all costs or loss in the collection of the sum to be levied. Such assessment shall be based upon the valuation roll which shall be in force in each municipality when such payments become due.

Assessments
for the pur-
poses of this
act to be im-
posed by
parish of St.
Charles Bor-
romée and
town of Jo-
liette.

Special assess-
ment if origi-
nal amount
insufficient.

14. If, for any reason whatsoever, the assessment of thirty thousand dollars should be insufficient for such constructions as aforesaid, both the aforesaid municipalities may and shall respectively levy upon the property, taxable under this act, by simple resolution, a supplementary assessment which shall not, in any case, exceed three thousand dollars, two thousand dollars whereof for the town of Joliette and one thousand dollars for the municipality of St. Charles Borromée.

Sec. treas. of
municipality
to collect
share of such
municipality.

15. The share payable by each of such municipalities shall be collected by its secretary-treasurer, who shall be bound, so soon as and whenever he has in hand a sum of one hundred dollars, to pay over the same to the trustees.

Assessments
under this act
privileged.

16. All assessments, levied under this act, shall be privileged and payable by the properties affected thereby in preference to all other debts, even if privileged, and shall be recovered summarily, like other municipal taxes in both the municipalities respectively and by the same process.

Church when
completed to
be taken pos-
session of by
bishop of
diocese.

17. When the church and sacristy are built, the bishop or administrator of the diocese shall take possession thereof in order to devote the same to public worship; and the Roman Catholic Episcopal Corporation of Montreal shall thereupon become the owner of such church and sacristy, under the same title and subject to the same charges and conditions and in the same manner as it now is of the present church, sacristy and parsonage house; the latter together with the land upon which they are built and upon which the church and sacristy shall be rebuilt, having been given to it by a deed of gift in its favor from the late Honorable Barthelemi Joliette, in his life-time member of the Legislative Council of the Province of Canada, and Dame Charlotte Tarrieu Taillant de Lanaudière, his wife, bearing date the fourth day of February, one thousand eight hundred and fifty, by a certain authentic deed passed at the Village of L'Industrie in the said Province before Mtre. J. O. Leblanc and colleague, notaries, which gift was so made to the said Roman Catholic Episcopal Corporation and accepted by it, on condition that the latter should comply with all the conditions and obligations set forth in the said deed of gift.

Final account
by trustees.

18. The trustees shall thereupon render a final account to the freeholders of the parish of St. Charles Borromée de Joliette, and, with the approval of the bishop or administrator of the diocese, the trustees shall cease to exist as a body politic and corporate and be discharged from all responsibility or obligation whatsoever.

19. In taking possession of such church and sacristy, the bishop and administrator of the diocese shall establish a board of management, composed of five members, three for the town and two for the country, selected from amongst the rate-payers residing in the said parish, to form a board of management, having for its chairman the *curé* or priest in charge.

Establishment of board of management thereafter.

20. The members of such board shall be owners of real estate of the value of not less than one thousand dollars each.

Qualification of members of board.

21. Such board shall be a body politic and corporate, under the name of "The Board of management of the Parish church of St. Charles Borromée de Joliette," shall have perpetual succession, and may do and transact all business within its competency, sue and be sued, acquire real estate and other property for religious purposes in the parish and mission thereof.

Constitution of board as a corporation, and name.

22. Such board shall be partially renewed every year by one member going out of office and a new member being appointed in his stead by the bishop or administrator of the diocese.

Renewal of members of board.

23. During the period of five years following their appointment, it shall be decided, by lot, which of the members of the board as first appointed shall leave office on the first of January, until the last one has been replaced, and afterwards, at the same date, the senior member shall go out of office.

How replaced.

24. It shall be the duty of the board of management to cause to be insured, in its name, the church as well as the sacristy and parsonage house and dependencies, for the purpose of rebuilding or repairing them with the moneys arising from the insurance in case of their total or partial destruction by fire; such insurance shall be for two-thirds of the value of the church, sacristy, parsonage house and dependencies, and the board shall, in all cases, cause the same to be approved by the bishop or administrator of the diocese. It shall, in concert with its chairman, provide for the current expenses required for public worship and for the cost of insurance and maintenance of the church, sacristy, parsonage house, dependencies and other buildings and things destined for the purpose of such worship, but it shall not incur any extra expenditure, beyond that specified, without the approval of the bishop or administrator of the diocese. It shall manage and administer the tem-

Church, &c., to be insured.

Extraordinary expenditure.

poral affairs of the church, render an account every year, during the last half of the month of December, of its receipts and expenses, as well as of its management and administration, to the former members of the board of management, such rendering of accounts to be subject to the approval of the bishop or administrator of the diocese.

Expenditure of surplus.

25. After such rendering of account the board of management shall pay over any balance or surplus into the reserve fund to be used, with the permission of the bishop or administrator of the diocese, for purposes of decoration, restoration or extraordinary expenditure of the church and sacristy.

Church, &c., to be completed and with what funds.

The bishop or administrator of the diocese and the board of management shall be bound to finish the interior of the church and sacristy out of the revenues of the church, as such revenues will permit; and such board may, for that purpose, with the permission of the bishop or administrator of the diocese, effect loans, contract debts and pledge such revenues.

Loans for such purpose.

Powers of board to collect money.

26. The board of management shall then have all the same rights and powers as the trustees for collecting all sums of money due under this act, and which such trustees have not collected from any person or corporation whatsoever.

Date, &c., of meetings of board.

27. The place day and hour, at which the meetings of the board of management shall be held, shall be determined by its chairman.

Services upon board.

28. All services of summons, deeds, papers, or documents whatsoever, relating to the board of management may be made upon the *curé* or officiating clergyman or in his absence upon the senior member of the board.

Minutes to be kept.

29. The board shall keep minutes of its proceedings and for that purpose shall elect a secretary from amongst the members of the board or outside thereof.

Certified copies or extracts evidence.

30. All copies or extracts from the minutes, certified by bishop or administrator of the diocese or the *curé*, shall be evidence of their contents until proof of the contrary.

Trustees, &c., bound to accept office.

31. The trustees and the members of the board of management, appointed under this act, shall be bound to accept the said office respectively, under the penalties enacted by the laws of the country against trustees elected for the erection of churches and churchwardens refusing to accept or to fill

their office. All freeholders over sixty years of age, and all ^{Exemption.} who are exempt from accepting public offices, are hereby exempted from accepting the aforesaid offices.

32. In the event of the town of Joliette becoming an ^{Proviso if town} Episcopal See, all the sections of this act establishing a board ^{of Joliette} of management shall be void, the board of management ^{become an} shall cease to exist as a body corporate and politic, and the ^{Episcopal See} gift of the Honorable Barthelemi Joliette shall alone be in force; provided that the church shall continue to be the parish church of the Roman Catholic inhabitants of the parish of St. Charles Borromée, that the bishop shall pay the existing debts which may have been contracted for the rebuilding and decoration of the church and sacristy, and that he shall insure such church and sacristy for two-thirds of their value, which amount shall, in case of fire, be employed in rebuilding such church and sacristy.

33. This act shall come into force on the day of its ^{Act in force.} sanction.

C A P. X L I V.

An Act to extend the provisions of the Act 32 Vict., chapter 73, to Apostolic Vicariates and Prefectures.

[Assented to 30th March, 1883.]

WHEREAS, since the passing of the act 32 Vict., ^{Preamble.} chapter 73, an apostolic vicariate and an apostolic prefecture have been canonically erected within the limits of this Province, and it has, in consequence, become necessary to amend the said act; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 2 of the act 32 Vict., chapter 73 is amended, ^{32 Vic., c. 73,} by adding thereto the following paragraph: ^{s. 2, amended.}

“This section also applies to every apostolic vicariate and prefecture, canonically erected or to be hereafter erected in this Province, so that the titular of such apostolic vicariate or prefecture and his successors form and shall form a distinct and separate corporation, within the apostolic vicariate and prefecture, respectively, in deed and in name, under the name of: “The Roman Catholic Episcopal Corporation of the vicariate of (*mentioning the name thereof*)”, and: “The Roman Catholic Corporation of the prefecture of (*mentioning the name thereof*)”, with the ^{Application of section to apostolic vicariates, &c.}