

4. The twelfth section of the act thirty-first Victoria, chapter thirty-third, is amended by striking out the words "five years" in the second line of said section, and substituting therefor the words "eight years."

Sec. 12 of 31 V, c. 33 amended.

5. The present act shall be considered as forming but one and the same act with the acts hereby amended.

This and the amended acts to form one.

6. All acts or portions of acts contrary to or incompatible with the provisions of the present act are hereby repealed.

Repeal of inconsistent enactments.

C A P . X X X I V .

An Act to establish exceptional and special arrangements, in the Parish of St. Hyacinth-le-Confesseur, for the construction of a Parish Church, to become the Cathedral of the Bishop of St. Hyacinth.

[Assented to 23rd December, 1871.]

WHEREAS His Lordship the Bishop of St. Hyacinth, and certain roman catholic freeholders, inhabitants of the parish of St. Hyacinth, including the city of St. Hyacinth, acting upon the unanimous wish of almost all the parishioners, as expressed in a petition to the said bishop, in November and December, 1871, have, by their petition, prayed for the passing of an act to authorize and legalize exceptional and special arrangements in the said parish, for the construction of their parish church, which shall become at the same time the cathedral of the said bishop, and for the temporal management and administration of the property of the said church, and whereas it is proper and expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. Immediately after the passing of the present act, seven trustees shall be appointed by the bishop or administrator of the diocese of St. Hyacinth, by letters under the episcopal seal, and be selected from among the rate-payers residing in the said parish, to preside over all the operations and enter into all contracts and agreements necessary for the construction of the said parish church and cathedral.

Seven trustees to be appointed by the bishop.

2. Immediately after their appointment, the said trustees shall elect one of their number to be their president, and he shall have the same duties, powers and func-

Trustees to elect a president. His duties and powers.

tions as the president of trustees appointed under chapter eighteen of the consolidated statutes for Lower Canada.

Vacancies to be filled by bishop.

3. In case of the death or permanent absence from the parish, of one or more of the said trustees, others shall be appointed in their place by the bishop or administrator of the diocese.

Trustees to be a corporation.

4. The trustees so appointed shall be known and designated as "the trustees of the cathedral of St. Hyacinth," and shall constitute under that name a body politic and corporate.

Powers of trustees.

5. The said trustees shall, for the execution of their office and mission, possess all the rights and powers, and have all the responsibilities and duties of trustees elected for the same purposes under chapter eighteen of the said consolidated statutes and the acts amending the same. They shall act in all matters connected with the exercise of their office, in concert and accord with the bishop or administrator of the diocese.

Plans, &c., of church to be prepared and approved by bishop.

6. It shall be the duty of the said trustees, within six months after their appointment, to cause the plans and specifications of the proposed church to be prepared, which plans and specifications shall, in no case, be executed without the formal approval of the bishop or administrator of the diocese, and they may be modified, if required, with the same approval.

Trustees empowered to accept transfer of a certain property from the bishop until the formation of the cathedral council in whom the right of property shall vest.

7. His Lordship, Charles Larocque, bishop of St. Hyacinth, having decided to endow the parish of St. Hyacinthe-le-Confesseur, including the city of St. Hyacinth, with a lot of ground for the site of the said church, a deed of transfer of the property in such lot of ground shall be passed by His Lordship to the said trustees, who are authorized to accept the same for the use of the said parish, pending the formation of the council of administration of the cathedral of St. Hyacinth hereinafter mentioned, to which council of administration, the title of property in the said lot of ground and the said church shall be transferred of right and by the sole effect of the present act so soon as that council shall have been regularly appointed, and shall have caused the deed granted by the said bishop to be registered in the office of the prothonotary of the superior court, at St. Hyacinth.

\$32,000 to be levied by assessment.

8. For the construction of the said parish church and cathedral, there shall be levied, by assessment upon the real estate belonging to roman catholic proprietors only, and situated within the limits of the said parish, a sum of eight thousand pounds or thirty-two thousand dol-

lars currency, payable in ten years, by two equal semi-annual instalments, exigible on the first of July and of January in each year, to the twentieth and last payment, the first of which shall be exigible on the first of July, one thousand eight hundred and seventy-two.

9. The following properties shall be exempt from the assessments to be levied under this act, namely: the present pro-cathedral and the ground upon which it is built, the bishop's palace, its dependencies and the ground upon which it and they are built, the college and the ground upon which it is built, the other buildings occupied as educational establishments, together with the lands upon which such establishments are erected or which form part thereof, the *Hôtel-Dieu* and the ground upon which it is constructed and its dependencies, and the *ouvroir* (work-house) and the ground upon which it is built.

Certain property exempt from the assessment.

10. The present act shall have no retroactive effect, and shall not be in any way invoked in actions now pending, or which may be hereafter instituted for the recovery of moneys heretofore granted to His Lordship the Bishop of St. Hyacinth, exclusively, to aid the construction of a cathedral church in the city of St. Hyacinth, and upon the express condition that such cathedral be built, and the parties in pending actions, or actions which may be instituted for the same purpose, shall, notwithstanding the passing of this act, retain the respective rights which they possessed and might have exercised before the passing of the said act.

This act shall not be retroactive or appeal pending suits and parties to such suits shall retain whatever rights they had.

11. The trustees shall not commence to build the said cathedral, until they have in hand the first ten instalments of the assessment, or a sum equal to such ten instalments, otherwise placed at their disposal.

Building not to commence until \$60,000 are paid up.

12. The trustees shall deposit at interest in a savings' bank of this province, or invest in government securities, as they receive them, all moneys paid into their hands for the construction of the said church.

Moneys to be invested.

* 13. Within the last fifteen days of December, in each year, the trustees shall make a report to the parishioners of all their transactions, and shall render an exact account of all their receipts and expenses, and of the interest upon deposits made by them, as aforesaid.

Trustees to report and account annually to parishioners.

14. The trustees shall, in their corporate name, have a right of action to compel the fulfilment of any duty, charge or obligation imposed, and the payment of all sums of money which should have been paid to them under this act, and which have not been so paid, against any person

Right of action of trustees.

or body refusing or neglecting to fulfil such duty, charge or obligation, or to pay, when required, such sum of money.

Apportionment of assessment between the city and the parish of St. Hyacinth.

15. Whereas it is desirable to equitably apportion the said sum of thirty-two thousand dollars, upon all the rate-payers of the two municipalities comprised within the Parish of St. Hyacinthe-le-Confesseur, in accordance with the value of their properties assessable under this act, it is enacted that the quota to be levied upon the properties of the roman catholic rate-payers only, situated in the said municipality of the Parish of St. Hyacinthe-le-Confesseur, is and shall be eight thousand nine hundred dollars currency, and the quota to be levied upon the properties of the roman catholic rate-payers only, situated in the municipality of the city of St. Hyacinth, is, and shall be twenty-three thousand one hundred dollars currency.

Power to councils of parish and city to raise the amount apportioned together with expenses and losses.

16. Within the six months immediately following the passing of the present act, the mayor and city council of St. Hyacinth and the corporation of the parish of St. Hyacinthe-le-Confesseur, acting through their respective municipal councils, shall have power, and be bound to impose, by simple resolution and without any other formality, a rate to raise the quota, free of deductions, allotted as aforesaid to each of the said municipalities, of the said sum of thirty-two thousand dollars currency, upon the real property of the roman catholic freeholders only, situated within the limits of the said municipalities respectively, (property exempted by the present act excepted,) and also to raise such additional sum as they may deem sufficient to cover all expenses or losses in the collection of the amount to be levied.

Periods at which rates shall be payable.

17. This rate shall be exigible at the periods above mentioned and which shall be repeated in the resolution imposing it.

Supplementary rate if necessary.

18. In the case, where for any cause whatever, the said rate shall prove insufficient to meet the quota allotted to one or other of the said municipalities, such municipality may and shall impose upon the property assessable under this act, by simple resolution, a supplementary rate to supply the deficit.

Rate to be collected by the secretary-treasurer.

19. The share to be contributed by each of the said municipalities shall be collected by its secretary-treasurer, who shall be bound, so soon as he has in hand a sum of two hundred dollars, or more, to pay over the same to the trustees.

Rate to privileged over all other debts,

20. Any rate imposed under this act shall be privileged and payable by the properties affected preferentially to any

other debt, whether privileged or not, and shall be recovered summarily like other municipal taxes in the said municipalities respectively, and in the same manner.

21. There shall be no fabrique nor church-wardens in the parish of St. Hyacinthe-le-Confesseur. No fabrique in the parish of St. Hyacinth.

22. When the said church shall have been built, the bishop shall take possession thereof to consecrate it for the purposes of public worship; and it shall become by the fact his cathedral and that of his successors, but it shall be maintained at the cost of the parishioners, as churches in other parishes, and parochial duties shall be therein performed as in the existing pro-cathedral, either in the name of the bishop, by a *curé*, who shall lawfully enjoy all the rights and privileges of the *curé* incumbent, or by an incumbent *curé* whom the bishop shall always be entitled to appoint for such purpose. Church to belong to the bishop but be maintained by parishioners. How par-chial duties shall be performed therein.

23. On taking possession of the said church, the bishop or administrator of the diocese, shall establish a council of administration, composed of five members selected from among the rate-payers resident in the parish, and appointed by letters under the episcopal seal, for the temporal management and administration of the property and affairs of the said church, under the presidency of the bishop, or the *curé*, in the absence of the bishop, and under the full control of the bishop, who shall, from time to time, determine the functions, duties and powers of such council. Bishop to appoint a council of administration and to determine its functions, powers and duties.

24. Such council shall be a body politic and corporate, under the name of the "Council of Administration of the Cathedral of St. Hyacinth," and shall have perpetual succession, perform and transact all the affairs within the scope of its powers, and may sue and be sued, acquire real estate and other property for the purposes of public worship in the said parish, and, from the moment of its creation, be seized with the right of property in the ground which shall have been granted as aforesaid, by his Lordship Charles Jarocque, Bishop of St. Hyacinth, and in the said church. Council to be a corporate body. May acquire real estate and shall become seized.

25. Such council shall be partially renewed each year, by the retirement of an old member, and the appointment of a new one in his place by the bishop or administrator of the diocese. One member of council to retire and be replaced every year by the bishop.

26. On the first of January in each of the five years following their appointment, it shall be decided by lot which of the members of those first appointed shall retire from office, until the last shall have been replaced, and afterwards, at the same date in each year, the senior member shall retire from office. Order of retiring to be determined by lot in each of the first five years.

Duties of the council.

27. It shall be the duty of the said council of administration to insure in its name the said church and other buildings destined for public worship in the said parish, in order to rebuild or repair them with the moneys arising from the insurance in the event of their total or partial destruction, such insurance to be for whatever amount the council shall deem prudent, and to be approved in every case by the bishop or administrator of the diocese; to provide, in concert with its president, for the current expenses of worship, and the costs of insurance and maintenance of the church and other buildings and things destined for public worship, but it shall not incur any expense extra or outside of those therein determined without the approval of the bishop; to manage and administer the temporal property of the said church; to collect all the revenues of the cathedral and its dependencies, to render an account each year within the last fifteen days of the month of December of its receipts and expenditure, and of its management and administration, to the bishop or administrator of the diocese, and, upon such rendering and settlement of accounts, to pay over any residue, bonus or surplus of receipts to the bishop, who may dispose of the same as he thinks proper, either for his personal wants, or for purposes of charity or public utility.

Time and place of meetings of council.

28. The place, day and hour of the meetings of the said council shall be fixed by the president.

Notifications, &c., may be made upon the *curé*.

29. All notifications, the signification of any deeds, papers or documents whatsoever, concerning the said council of administration may be made upon the *curé* (either the incumbent *curé* or the *curé* in office,) or, in the case of absence of the *curé*, upon the senior member in office.

Council to keep minutes, name a secretary.

30. The said council shall keep a register of its proceedings and deliberations, and, for that purpose, shall elect a secretary from among the members thereof.

Copy of register certified by bishop or *curé* to be *prima-facie* evidence.

31. Any copy or extract from the said register, certified by the bishop or *curé*, shall be proof of its contents, until proof to the contrary be made.

Trustees and members of council bound to accept office under pain of penalties.

32. The trustees and members of the council of administration appointed under this act, shall be bound to accept the said offices respectively, under pain of the penalties imposed by the laws of the country upon trustees elected for the construction of churches and upon churchwardens, who refuse to accept or discharge the duties of their office.