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1st Session, 4th Parliament, 16 Victoria, 1863.

BILL

To confirm certain proceedings of the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of the *Fabrique*, to impose and levy an assessment upon the said Inhabitants, and for other purposes therein mentioned.

Received and read a first time, Wednesday, 2nd March, 1863.

Second reading, Friday, 4th March, 1863.

MR. POLETTE.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET .

An Act to confirm certain proceedings of the Catholic inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of their Fabrique, to impose and levy an assessment upon the said inhabitants, and for other purposes therein mentioned.

WHEREAS at a General Meeting of the Churchwardens and past Churchwardens, notables, freeholders and proprietors of real estate in the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, summoned according to law and held at the *Banc d'œuvre* of the Parish Church of the said Parish, on Sunday, the fifteenth day of the month of August, in the year one thousand eight hundred and fifty-two, after Parochial Mass, the senior Churchwarden in office presiding, and at which meeting were present His Grace Monseigneur the Archbishop of Quebec, Metropolitan of the Ecclesiastical Province of Quebec, in which the said Parish is situate, the *Curé* of the said Parish, the first and third Churchwardens in office, and a large number of past Churchwardens, inhabitants, freeholders and proprietors of real estate in the said Parish, it was declared that the District of Three Rivers and a part of the District of St. Francis as erected for civil purposes, had been separated from the Catholic Diocese of Quebec, and erected into a separate Catholic Diocese, under the name of the Diocese of Three Rivers, in which an Episcopal Seat had been established and erected, and seven resolutions were adopted and agreed to, and more particularly the following, to wit:—

20 *Secondly*.—That for the endowment of the new Bishopric (that of Three Rivers) the Parishioners do cede and transfer to the Bishop of Three Rivers and his successors, the Parish Church, Sacristy, Church-yard, Parsonage-house and their dependencies, and all the other real and personal property, to have and to hold to the said Bishop and his successors for ever, (without the power of at any time alienating the same,) and to administer the same by himself, or by such persons or agents as he should appoint, subject to the charges, terms and conditions following, that is to say: 1°—To provide for the spiritual care of such Parish in a befitting manner by the necessary Priests, Officers and

25 Servants of the Church, whose salaries and emoluments shall be paid out of his own funds. 2°—To discharge at his own cost the endowments, obits, *cens et rentes*, if any there be, and other dues which the *Fabrique* are bound to discharge. 3°—To provide for the maintenance and repairing of the Church, Sacristy, Church-yard, and Parsonage-house

30 or Episcopal Palace and their dependencies, and to insure to a reasonable amount the Church, Sacristy and Parsonage-house or Episcopal Palace, the whole at his own costs and expense. 4°—To keep a register in due

35

Preamble.
Proceedings
at a General
Meeting of the
Parishioners
of Three
Rivers, cited.

Resolutions
adopted at the
Meeting, cited.

Second Reso-
lution at the
said meeting.

The Parish
Church ceded
to the Bishop.

On what con-
ditions.

and proper form of the baptisms, marriages and burials and of the proceedings of the Parish. 5°—That the parishioners shall enjoy all other the rights and privileges previously enjoyed by them under the administration of the *Fabrique*, and shall be bound to pay the tithes, the dues fixed or to be fixed by the tariff or tariffs, the offerings, and to present the 5 *Holy Bread* as heretofore. 6°—That from and after the passing of the Deed of Cession of the estate and rights of the *Fabrique*, the present tariff shall only remain in force as regards the Town, and as regards the parishioners residing beyond the limits of the Town, there shall be a tariff for the rural Parishes drawn up and confirmed by His Grace the 10 Archbishop or by the Bishop, of the Diocese, which tariffs shall not be altered or modified without the consent of the majority of the Parishioners had at a General Meeting called and held in regular form, nor without the consent of the Bishop. 7°—That there shall always be three Churchwardens, whose term of office shall be three years, one of whom 15 shall be elected annually, at the ordinary period, by the Parishioners entitled to be present at General Meetings of the Parish, whose duties shall be to superintend on behalf of the Parish the carrying into effect of the provisions of the Deed of Cession, and to attend at religious processions without being entitled to exercise any of the powers of accountable Church- 20 wardens; the present Churchwardens becoming honorary Churchwardens upon the passing of the said Deed of Cession, and remaining in office until the expiration of their respective terms of three years. 8°—To re-convey and deliver up to the Parish all the property real and personal as it stands, with all the changes and augmentations which shall have been made there- 25 to, excepting, however, the ornaments, vases and other things which he shall require for his use in his capacity of Bishop, in the event of the Episcopal Seat being abolished or transferred from this Town; in either of which cases the Parishioners shall enter *pleno jure* into possession of the said real and personal property, and their rights as members of the *Fabrique*, 30 shall be re-established.

Third Resolution. Debts due to the *Fabrique* ceded.

Third Resolution.—That the Parishioners do also cede and convey to the Bishop of Three Rivers and his successors, all debts due to the *Fabrique*, at the date of the passing of the Deed of Cession, out of which he shall first discharge all debts due by the *Fabrique*, and the 35 balance shall be applied as follows: one half to the furnishing of the Church ornaments and articles necessary for the celebration of Divine worship, and the other half to aid in the building of a new Church.

Fourth Resolution. Certain accounts to be rendered to the Bishop.

Fourth Resolution.—That the Churchwardens who shall not have rendered their accounts at the time of the passing of the said Deed of Cession, 40 shall render them to the Bishop, and shall pay any balance they may have into his hands, the Parish transferring to the Bishop all their rights in this respect.

Fifth Resolution. The Parishioners to assess themselves to the amount of £5,000, for the construction of a new Church and will apply

Fifth Resolution.—That the Parish shall assess themselves for the construction of a new Church, to the amount of five thousand pounds currency, payable in six years, one-sixth part every year; they shall address forthwith to the proper authorities the necessary petitions for the attainment of that object, and shall elect Trustees who shall convey the moneys collected to the Bishop; the Bishop shall cause the said Church to be erected as speedily as possible, and in such manner as he shall deem 50 expedient, without his being authorized nevertheless to require from the

said Parish a larger sum than that above mentioned ; and that such new Church shall be a Cathedral Church, to be restored nevertheless to the Parish in either of the cases provided by the second resolution, (that is to say, the resolution hereinabove first cited.)

for the require-
site powers.

5 *Sixth Resolution.*—That the Churchwardens in office in the *Œuvre* and *Fabrique* of the said Parish, or any two of them, are authorized and required so soon as they shall be called upon so to do by the Bishop of Three Rivers, to execute and grant a Deed of Cession of all the property real and personal and of the rights of the *Fabrique*, mentioned
10 in the second, third, and fourth Resolutions (that is to say, the Resolutions hereinabove first, secondly and thirdly recited) subject to and in conformity with the charges, conditions, obligations and reservations in the foregoing Resolutions contained, and the said Bishop shall accept the said Cession in his corporate name.

Sixth Resolu-
tion. Church-
wardens au-
thorised to
execute a
Deed of Ces-
sion.

15 *Seventh Resolution.*—That we (that is to say, the said Churchwardens and past Churchwardens, notables, freeholders, and proprietors of real estate in the said Parish) do promise to apply to the Legislature for the passing of all laws which may be deemed necessary for carrying into effect the foregoing Resolutions, and for accomplishing the different objects
20 which this meeting has in view, and which they have expressed in the said Resolution.

Seventh Reso-
lution. Ap-
plication to be
presented to
the Legisla-
ture, for neces-
sary powers.

And whereas the Episcopal Seat of the Diocese of Three Rivers has been fixed and established in the Town of Three Rivers, which forms part of the Parish, and it is expedient to endow the said Bishopric ; And
25 whereas the inhabitants of the said Parish have, by their Petition to the Legislature, prayed that the said proceedings be confirmed and rendered executory, and it is expedient to legalize the said proceedings and make Legislative provision in that behalf ; Be it therefore enacted, &c.,

Recital.

That the said proceedings of the Churchwardens and past Church-
30 wardens, notables, and inhabitant freeholders and proprietors of real estate in the said Parish, and the Resolutions above mentioned and recited, shall be and they are hereby approved and confirmed, and shall have their full and entire effect according to their form and tenor ; and it shall accordingly be the duty of the three Churchwardens in office of
35 the *Œuvre* and *Fabrique* of the said Parish, for the time being, or of any two of the said Churchwarden, or of one of them, to execute and pass a Deed of Cession of all the property real and personal, all debts owing to and all rights whatsoever of the said *Fabrique*, as mentioned in the said Resolutions, to the Bishop of Three Rivers, when he shall require the
40 same, subject to the charges, conditions, obligations and reservations contained in the said Resolutions ; that the said Deed shall be accepted by the said Bishop, in his corporate capacity, under the name of the “Roman Catholic Episcopal Corporation of Three Rivers,” in conformity with the Act of the Legislature of this Province, passed in the twelfth
45 year of Her Majesty’s Reign, and intituled, “*An Act to incorporate the* “*Roman Catholic Archbishops and Bishops in each Diocese in Lower* “*Canada* ;” and the said Deed of Cession when so executed shall be legal and binding upon the said Bishop and his successors and the inhabitants of the said Parish.

Proceedings
and Resolu-
tion above
cited,
declared va-
lid.

Act 12 Vic.,
cap. 136.

By whom Registers of Baptisms, &c., shall be kept.

II. And be it enacted, That the Registers of baptisms, marriages and burials of the said Parish, shall be kept and signed by the said Bishop or by his Vicars-general, or by the *Curé* who may be charged with the spiritual care of the Parish, or by the Assistants, Chaplains or Vicars of the said Bishop or of the said *Curé*, or other Priests, and all copies or extracts from the said Registers certified by one of them shall be authentic evidence in all Courts of Justice and elsewhere. 5

Bishop to receive the tithes and ecclesiastical dues.

III. And in consequence of the union of the Cure of the said Parish to the Bishopric of Three Rivers, be it enacted, That the said Bishop and his successors shall receive the tithes of Parishioners as now established, the oblations, the dues regulated or to be regulated by tariffs, and all rights, rents and dues which may be now or may hereafter become payable to the said *Fabrique*, and may sue for the recovery of the same before the Courts of Justice; they may also cause an account to be rendered by the Churchwardens who may not have done so at the time of the passing 15 of the Deed of Cession of the property of the *Fabrique* above mentioned, of the administration of the said property by the said Churchwardens; and may accept or discuss the said accounts, and require the payment of any balances which may be due thereon, for which purpose the said Bishop and his successors shall be entitled to institute legal proceedings. 20

He may cause an account to be rendered to him.

Recital.

IV. And whereas the present Parish Church has long been insufficient for the continually increasing population of the said Parish, and it is indispensably necessary to construct a new one; And whereas by one of the Resolutions recited in the Preamble to this Act, the inhabitants of the said Parish have left to the said Bishop the care of building the 25 said Church, binding themselves to contribute to the expense thereof to the amount of five thousand pounds only: Be it enacted, That when the said Bishop shall have issued a decree for the building of a Church and Sacristy, and for establishing the site thereof, it shall be lawful for him to make an application to the Commissioners appointed under and 30 by virtue of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, and intituled, "*An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage-houses and Church-yards,*" requiring a general 35 meeting to be called of the inhabitant freeholders and proprietors of real estate interested in the assessment mentioned in one of the Resolutions cited in the Preamble to this Act, for the purpose of proceeding to the election of three or more Trustees not exceeding seven, to levy the said assessment; and the Commissioners shall thereupon proceed 40 upon the said application as if the same had been made by the majority of the inhabitant freeholders of the said Church and Sacristy, founded upon a canonical decree rendered in conformity with the provisions of the said Ordinance, or by any law for the election of the Trustees; and the meeting for the said election shall be called, presided over and 45 held, and a minute thereof drawn up, by the said Bishop or by the *Curé* having the spiritual charge of the Parish, if there be one, according to the formalities prescribed by the said Ordinance.

When a decree shall have been issued by the Bishop for the erection of a new Church, he may apply to the Commissioners under 2 Vic. (3) cap. 29, for the election of Trustees for the building of the Church.

After the election, the Bishop may apply to have

V. And be it enacted, That when the election of Trustees shall have taken place, the said Bishop shall make an application to the said Com- 50 missioners, requiring the said election to be confirmed, and that the said Trustees be ordered to assess the proprietors of lands and other

real estate situate in the said Parish, as canonically erected by the canonical decree made and rendered to that effect, by Monseigneur Bernard Claude Panet, then Bishop of Quebec, at Quebec, on the nineteenth day of September, one thousand eight hundred and thirty-two, and to levy the amount of the said sum for which each individual shall be assessed; Provided always, that the lands and other real estate belonging to persons of any Protestant denomination whatsoever, shall not be assessed.

the same confirmed, and the parishioners assessed for the construction of the Church.

VI. And be it enacted, That so soon as the said Commissioners shall have passed a decree confirming the election of the Trustees, and authorizing them to make an assessment and to collect the same as hereinbefore provided, then the said Trustees, or a majority of them, shall forthwith proceed to prepare and draw up an act of Assessment comprising only an exact description of all lands, emplacements and other real estate, situate in the said Parish as canonically erected, and belonging to persons professing the Catholic Religion, with the exception of that belonging to the *Fabrique*, and ceded or about to be ceded to the said Bishop, which shall not be liable to assessment, and containing also as accurately as possible the extent and value of each real estate, the names of the proprietors real or putative, and the proportionate sum of money which they shall have assessed, imposed and rated upon each real estate, in order to raise the said sum of five thousand pounds currency, and without its being necessary for the said Trustees to make any plan of the buildings to be erected or any estimate of the cost thereof, excepting such as shall be requisite for proceeding before the said Commissioners, and for the completion of the said act of Assessment and the collection of the said sum; which said act of Assessment shall be deposited, and the notice of such deposit, and the day on which this act of Assessment shall be presented to be homologated by the said Commissioners, shall be made, given, read and posted in the manner prescribed by the said fourteenth Section of the said Ordinance, cited in the fourth Section of this Act.

The Trustees, after their election, shall make an assessment of £5,000 upon the Roman Catholic inhabitants of the Parish.

VII. And be it enacted, That on the day fixed for taking into consideration the act of Assessment above mentioned, the said Trustees or a majority of them shall present the said act to the said Commissioners, and apply for the homologation thereof, accompanied with sufficient certificates of the deposit which shall have been made thereof, and of the notice above mentioned; and the said Commissioners shall have full jurisdiction, authority and power for the hearing, determining, trying, and deciding between the Trustees and parties interested, and for rejecting, modifying or confirming the said act of Assessment in whole or in part, as to them shall seem just and reasonable; and they shall order the said Assessment to be payable in six years, one sixth part every year, any law, custom or usage to the contrary notwithstanding.

Assessment to be submitted for confirmation to the Commissioners.

VIII. And be it enacted, That when the said act of Assessment shall have been homologated by the said Commissioners, the Trustees shall require of the rate-payers payment of the assessments or rates due by them respectively, and may institute proceedings at law to compel payment thereof, the whole in conformity with the nineteenth Section of the said Ordinance cited in the fourth section of this Act. And whereas the

Trustees to require payment of assessment.

And render
an account to
the Bishop.

powers and duties of the said Trustees do not extend beyond the recovery of the said sum of five thousand pounds currency, and do not relate to the building of the said Church and Sacristy, be it further enacted, That it shall be the duty of the said Trustees to render an account to the Bishop within one month after the expiration of each term of payment of the said assessment or rate, and also every six months after such expiration, of the sums of money which they shall have collected from the rate-payers, and to pay over such sums into the hands of the Bishop who shall be empowered to compel them by law to do so, until the said amount of five thousand pounds currency shall be paid. 10

Bishop to
build a Cathedral, to serve
also as a
Parish Church

Pews to be
sold as usual.

IX. And be it enacted, That besides the obligations above mentioned, the said Bishop and his successors shall be bound, 1st, To build in the said Town of Three Rivers, a Church which shall be a Cathedral Church, and a Sacristy of greater dimensions than those of the present Church and Sacristy; which Church shall also be considered as the Parish Church, 15 for the use of the inhabitants of the Parish. 2nd, To make no alteration in the present system of the adjudication and sale of pews, either in the present Church, or in the Cathedral Church, excepting the power of requiring security to ensure the payment of the rents and dues for the said pews, which rents and dues shall belong to the Bishop and his 20 successors.

2 Vict (3) chap
29, and 13 and
14 Vict c. 44,
to apply,
where not in-
consistent
with this Act.

X. And be it enacted, That all the provisions as well of the said Ordinance cited in the fourth Section of this Act as of the Act passed by the Legislature of this Province in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "*An Act to continue and amend an 25* "*Ordinance concerning the erection of Parishes, and the building of* "*Churches, Parsonage-houses and Churchyards,*" not contrary or repugnant to this Act, shall be followed and carried out by the said Bishops, Commissioners, Trustees and other persons interested or having powers to exercise or duties to discharge in pursuance of this Act, as if they 30 had been inserted and recited in this Act and had formed part thereof, and as well for the levying and collecting a supplementary assessment if the first assessment shall not be sufficient for the collection of the said sum of five thousand pounds currency, as for all other purposes tending to the execution and carrying into effect of this Act. 35

Interpretation
Act.

XI. And be it enacted, That by the words "Bishop" and "Bishop of Three Rivers" made use of in this Act, shall be understood the present Catholic Bishop of Three Rivers and his successors, and that the Interpretation Act shall apply to this Act.

Public Act.

XII. And be it enacted, That this Act shall be held to be a Public 40 Act, and shall be judicially taken notice of by all Courts of Law and Equity in this Province, and by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.