

No 57.

3d Session, 3d Parliament, 13 Victoria, 1850.

B I L L.

An Act to enable Louis Comte to receive a certain amount due to him by the Parish of Saint Edouard, in the District of Montreal.

Received and Read a First time, Wednesday, 5th
June, 1850.

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MR. CARTIER.

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57.

BILL.

An Act to enable Louis Comte to receive a certain amount due to him by the Parish of St. Edouard, in the District of Montreal.

WHEREAS Louis Comte, of the City of Montreal, Preamble.
Master Mason and Contractor, did, on the eleventh day of April, one thousand eight hundred and forty-three, Recital.
obtain judgment in the Court of Queen's Bench for the
5 District of Montreal, against Michel Lussier, Augustin
Arcouet, Joseph Gauthier dit St. Germain, and Vital
Coupal, being the only survivors of the Trustees
elected and appointed for erecting the Church, Sacristy
and Parsonage House of the Parish of St. Edouard in the
10 District aforesaid,—for the sum of two hundred and
twenty-seven pounds twelve shillings and ten pence
Currency, being the balance due to the said Louis Comte,
of the cost of erection of the buildings aforesaid, with
15 interest from the twenty-eighth day of January one thou-
sand eight hundred and forty-three, until payment, and
costs since taxed at twelve pounds fourteen shillings and
six pence currency; And whereas by an instrument made
and passed in the said Parish of St. Edouard on the
20 tenth day of March, one thousand eight hundred and
forty, before Mtre. Bissett and his colleague, Nota-
ries, it appears that at a Meeting legally held in the
said Parish, as well of the old as of the new Church
Wardens thereof, the said Church Wardens did, in and by
the instrument aforesaid, declare their opinion that the
25 Trustees of the said Parish of St. Edouard should be
released from further accountability as such Trustees,
and that such accountability should thereafter be trans-
ferred to the Fabrique of the said Parish, and the said Trus-
tees did in consequence thereof then and there deliver
30 over their accounts to Mr. Jacques Poissart, as the acting
Church Warden of the *Œuvre et Fabrique* of the said
Parish, accepting the same and a party to the instrument
aforesaid: And whereas since the said judgment, the
said Louis Comte hath not been able to obtain payment
35 of the sums aforesaid and of the costs by him incurred for
the recovery thereof, although the said Church, Sacristy,
and Parsonage House have been for a long time past, that
is to say, since the Fabrique of the said Parish was put
in possession thereof by the said Trustees, employed for
40 the use and service of the Catholic inhabitants of the said
Parish, and are now so employed: And whereas it is
expedient to provide means for enabling the said Louis

Comte to obtain payment of the sum due to him by virtue of said Judgment amounting to the sum of two hundred and forty pounds seven shillings and fourpence currency, in principal and costs, with interest as aforesaid on two hundred and twenty-seven pounds twelve shillings and tenpence currency, to be reckoned from the said twenty-eighth day of January, one thousand eight hundred and forty-three, until payment:—Be it therefore enacted, &c.

The Church Wardens and Curé of St. Edouard appointed Trustees to make a new *répartition* in the said Parish.

And it is hereby enacted by the authority of the same, 10
That as well the old as the new Church Wardens of the said Parish of St. Edouard and the Rector (Curé) of the said Parish, and their Successors in Office, (but with full power to the Survivor or Survivors of them or to any one or more of them or of the Survivors of them, 15 to act for and on behalf of the whole of them or of the Survivors of them) are hereby appointed Trustees, for the purpose of proceeding with all possible diligence and despatch, to cause a new Act of assessment to be made in the said Parish of Saint Edouard for the purpose of 20 levying and collecting from the Roman Catholic Inhabitants of the said Parish, a sum sufficient to pay to the said Louis Comte the said sum of two hundred and forty pounds seven shillings and four pence, with the interest aforesaid, on the said sum of two hundred and twenty- 25 seven pounds twelve shillings and ten pence currency, to be reckoned from the said twenty-eighth day of January, one thousand eight hundred and forty-three, until payment, and that they shall proceed to cause such Act of assessment to be made in the manner and form 30 prescribed by law with regard to Acts of assessment for building, rebuilding or repairing of Churches, Parsonage Houses and Sacristies, in Lower Canada; and they (or any, or any one of them aforesaid) shall in order to carry this Act into effect have all the powers vested in 35 Trustees elected for such purposes as aforesaid; but nothing herein contained shall be constructed to require that the said Trustees shall obtain any authority to make the said Act of assessment, from the Commissioners for the erection of Parishes and the building of Churches, 40 Parsonage-houses and Church-yards, for the District of Montreal; and such Act of assessment shall be made under the authority of this Act alone, but subject afterwards to the like examination, confirmation and other subsequent proceedings, as other Acts of Assessment for 45 like purposes.

By what law such *répartition* shall be governed, &c.

If the Trustees fail to make such *répartition*, Louis Comte may sue the *Fabrique*, and sell the Church, &c.

II. And be it enacted, That if the said Church Wardens of the said Parish of Saint Edouard, or the Survivors of them and the Rector of the said Parish, shall fail to perform the duties assigned to them by this 50 Act, and to pay over to the said Louis Comte the said sum of two hundred and forty pounds seven shillings and

four pence currency, with the interest aforesaid, within one year from the time when this Act shall receive the Royal Assent, the said Louis Comte may bring and maintain an action against the Fabrique of the said Parish of Saint Edouard for the time then being for the recovery of the said sum of two hundred and forty pounds seven shillings and fourpence currency, with the interest aforesaid, on the said sum of two hundred and twenty-seven pounds twelve shillings and tenpence currency, to be reckoned from the said twenty-eighth day of January, one thousand eight hundred and forty-three, until payment, and that in satisfaction of the judgment to be obtained by him in such action, he may under writ of Execution, cause to be seized and sold by the Sheriff in the usual manner the Church, Sacristy and Parsonage House of the said Parish, as well as any other immovables belonging to the said *Fabrique* in order that out of the proceeds of such sale he may be paid the said sum of two hundred and forty pounds seven shillings and four pence currency, with the interest aforesaid; any law, custom or usage to the contrary notwithstanding.

III. And be it enacted, That this Act shall be deemed a Public Act Public Act.