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No. 58.

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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## **BILL.**

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

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Received and Read a first time, Friday, 2nd  
February, 1849.

Second Reading, Thursday, 8th February, 1849.

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**Mr. JOBIN:**



## BILL.

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

**W**HEREAS Louis Comte, of the City <sup>Preamble.</sup>  
Montreal, master mason and contrac- <sup>Recital.</sup>  
tor, did, on the eleventh day of April, one  
thousand eight hundred and forty-three, ob-  
5 tain judgment in the Court of Queen's Bench  
for the 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 ap-  
10 pointed for erecting the Church, Sacristy  
and Parsonage House of the Parish of St.  
Edouard in the District aforesaid—for the  
sum of two hundred and twenty-seven pounds  
twelve shillings and ten pence currency, be-  
15 ing the balance due to the said Louis Comte of  
the cost of erection of the buildings aforesaid,  
with interest from the twenty-eighth day of  
January one thousand eight hundred and  
forty-three, until payment, and costs since  
20 taxed at twelve pounds, fourteen shillings and  
six-pence currency; And whereas by an  
instrument made and passed in the said Pa-  
rish of St. Edouard on the tenth day of  
March one thousand eight hundred and forty,  
25 before Mtre. Brisset and his colleague, No-  
taries, it appears that at a meeting legally  
held in the said Parish, as well of the old as  
of the new Churchwardens thereof, the said  
Churchwardens did, in and by the instrument  
30 aforesaid, declare their opinion that the Trus-  
tees of the said Parish of St. Edouard should  
be released from further accountability as  
such Trustees, and that such accountability  
should thereafter be transferred to the *Fa-*  
35 *brigue* of the said Parish, and the said Trus-

tees did in consequence thereof then and there deliver over their accounts to Mr. Jacques Poissard as the acting Churchwarden 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 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 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 as aforesaid, amounting in principal, interest and costs to the sum of three hundred and seventy-nine pounds seventeen shillings and eight pence currency: Be it therefore enacted, &c.

The Churchwardens and *Curé* of St. Edouard appointed Trustees to make a new Repartition in the said Parish.

And it is hereby enacted by the authority of the same, That as well the old as the new Churchwardens 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, 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 St. Edouard for the purpose of 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 three hundred and seventy-nine pounds, seventeen shillings and eight pence currency; and that they shall proceed to cause such act of assessment to be made in the

manner and form 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 as aforesaid) shall in order to carry this Act into effect have all the powers vested in Trustees elected for such purposes as aforesaid; but nothing herein contained shall be construed 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, 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 like purposes.

II. And be it enacted, That if the said Churchwardens of the said Parish of St. Edouard, or the survivors of them and the Rector of the said Parish, shall fail to perform the duties assigned to them by this Act, and to pay over to the said Louis Comte the said sum of three hundred and seventy nine pounds, seventeen shillings and eight pence currency, 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 St. Edouard for the time then being, for the recovery of the said sum of three hundred and seventy nine pounds, seventeen shillings and eight pence currency, with interest from the date of the passing of this Act, 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

By what law such Repartition shall be governed, &c.

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

such sale he may be paid the said sum of three hundred and seventy nine pounds, seventeen shillings and eight pence currency, with interest as aforesaid; any law, custom or usage to the contrary notwithstanding. 5

Public Act.

III. And be it enacted, That this Act shall be deemed a Public Act, and as such shall be judicially noticed by all Courts and Judges without being specially pleaded.