

No. 76.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

To regulate the administration of Fabriques
in Lower Canada.

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March, 1856.

Second reading, Thursday, 17th March, 1856.

MR. J. B. E. DORION.

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To regulate the administration of Fabriques in Lower Canada.

WHEREAS it has become desirable clearly to define the manner of administering the temporal affairs of Churches in Lower Canada ; Therefore Her Majesty, &c., enacts as follows :

I. All laws, ordinances, and edicts relating to the administration of the 5 temporal affairs of Catholic Churches in Lower Canada, in so far as they are contrary to the provisions of this Act shall be and the same are hereby repealed. Laws contrary to this Act repealed.

II. Fabriques are instituted to take charge of the administration of Church 10 property, the maintenance and preservation of Church edifices, the collection of pew-rents, and other direct and casual revenues derived from property which has been set apart for religious purposes, both regulating the necessary expenses and ensuring the means of carrying out the above purposes. Institution of Fabriques.

Organization.

1st. The temporal affairs of the Catholic Church or Churches in any 15 parish or mission shall be administered by the Fabrique. Administration.

2nd. Each Fabrique shall be composed of a Fabrique Council and a Board of Churchwardens. Fabrique, how divided.

3rd. The Council in such parish or mission shall be composed of the 20 past and present Churchwardens. Fabrique Council.

4th. The Board of Churchwardens shall be composed of three mem- 25 bers elected by the inhabitants of each parish or mission. Board of Churchwardens.

5th. The *Curé*, Missionary or Person administering the parish or mis- sion shall have a vote both in the Council and in the Board of Church- 30 wardens. Curé to take part.

Powers and Authorities.

1st. No Fabrique shall be entitled to hold any real estate beyond a lot of 25 one hundred arpents in superficies, in any parish or mission, nor any other building than those used for purposes of religious worship, the residence of the Curé or for charitable or Educational purposes. Real property limited.

2nd. The Fabrique may alienate its real estate and acquire other, sub- 30 ject to the restrictions contained in the preceding article. Sale of real property.

- Encouragement of education.** 3rd. The Fabrique may apply a portion of its funds to the encouragement of Primary, Secondary or Superior Schools and to the formation of Parish Libraries.
- Salary of Cure.** 4th. The Fabrique may also apply a portion of its funds to the payment of a salary to the Curé or Missionary in case of the abolition of the *dîme*, or in case any arrangement in that respect shall have been made with the ecclesiastical authorities. 5
- Election of Churchwardens.*
- Meeting of parishioners.** 1st. The members of the Catholic Church shall assemble in every parish or mission respectively on Christmas day at the issue of morning service, and if there be no service on that day then at eleven of the clock in the forenoon, for the election of one or more Churchwardens. 10
- Notice.** 2nd. Notice of such meeting shall be given at least eight days previous thereto, from the pulpit or by notice given verbally or in writing at the Church door.
- How given.** 3. The said notice shall be given by the Cure or Missionary, or by the Churchwarden retiring from office or by three electors. 15
- In case no notice be given.** 4th. In case the said notice shall not have been given, it shall be lawful for the inhabitants to meet and proceed to the election.
- Place of meeting.** 5th. The meeting shall be held in the Public Hall, if there be one, and if not, then in the Sacristy of the Church, and not elsewhere.
- Chairman, &c.** 6th. The meeting shall choose a Chairman and a Secretary. 20
- Qualification of electors.** 7th. Any member of the Catholic Church, of the age of twenty-one years, who shall have resided for at least three months in the Parish or Mission, shall be entitled to take part in the proceedings of meetings for the election of Churchwardens.
- Where no Board exists.** 8th. In any Parish or Mission in which there shall not be a Board of Churchwardens, it shall be lawful for the meeting to elect three members to constitute such Board. 25
- Retirement of Churchwardens.** 9th. The senior of the three Churchwardens elected shall retire from office at the end of the first year, the next in age, at the end of the second year and the junior at the end of the third year. 30
- Where a Board exists.** 10th. In any parish or mission in which there shall exist a Board of Churchwardens, the meeting shall elect a new Churchwarden in the place of the one retiring from office.
- In case of election without opposition.** 11th. The Chairman of the Meeting shall, if there be no opposition declare who has been elected, and the Secretary of the meeting shall prepare a *procès verbal* of such election which shall be deposited in the archives of the Fabrique. 35
- Contested election.** 12th. In case of division with respect to the election of any of the Candidates, three electors may call for the registration of the votes or for election by ballot. 40

13th. The Secretary shall, under the direction of the Chairman register the votes, or receive the tickets if the election is effected by ballot and the register, book, or memorandum shall be closed whenever a quarter of an hour shall have elapsed during which no vote shall have been registered or ticket deposited. Manner of voting.

14th. The book, register or minute of the voting shall be immediately certified by the Secretary, and the Chairman shall declare in whose favor the majority of the votes shall have been given. Result of the voting.

15th. The return shall be deposited in the archives of the Fabrique. Report.

16th. When the election shall not have taken place at the period fixed therefor, the time for holding such election shall be fixed by the Fabrique Council. In case of election not taking place.

17th. In all cases of vacancies occurring by reason of the death or absence from the locality of one or more of the Churchwardens, a sufficient number to fill the vacancies shall be elected at the next annual meeting Parish or mission. Vacancies.

Board of Churchwardens.

1st. The Board shall assemble upon requisition or upon public notice given verbally or in writing by the Curé, Missionary, person administering the locality, or by the Churchwarden in charge. Notice of meeting.

2nd. A majority of the members of the Board shall be necessary for the transaction of business.

3rd. In case of equal division of votes the Chairman shall have a casting vote. Casting vote.

4th. The Board shall keep a Minute Book of its proceedings, and of the receipts and expenditure of the Fabrique. Minute Book.

5th. The proceedings of the Fabrique Council and of the meetings of the Parish or mission for the election of Churchwardens and the auditing of the accounts shall be entered in the same minute book. Proceedings to be entered in Minute Book.

6th. The Board shall never expend in the course of the year more than the sums following, without consulting and obtaining authority from the Fabrique Council: Expenditure of Board limited.

	In any Parish or Mission containing less than	2,000 inhabitants,	\$		
	"	"	"	4,000	100
	"	"	"	8,000	200
35	"	"	"	above 8,000	400

7th. In case the majority of the Board and Fabrique Council shall not agree to such expenditure, it shall be referred to a meeting of the Parish as in the case of any expenditure over the sums mentioned in the foregoing article, and such Parish meeting shall be summoned in the same manner as meetings of the Board. Parish meetings.

8th. The appointment and discharge of any chanter, (*chantre*) organist, beadle, or other salaried officer shall be subject to the decision of the Board of Churchwardens. Board to appoint officers.

- Suits at law.** 9th. The Board shall not institute or defend any action or suit at law without consulting the Fabrique Council.
- Sale of pews.** 10th. The Board shall regulate the conditions of the sale of pews whenever there shall be any pews for sale, and shall enter the conditions in its proceedings and shall exhibit them to the purchasers at the time of sales: Hereafter no pew shall be sold for any longer period than the lifetime of the purchaser. 5

Churchwardens in Charge.

- Security to be given.** 1st. In any Parish or Mission in which three Churchwardens shall have been elected at the same time, the senior in age shall take charge of the funds and shall give security to an amount sufficient to cover all the money in hand at the time of his appointment, and also all amounts likely to be received during the year he shall be in office.
- Security.** 2nd. In any Parish or Mission in which there shall already be a Board of Churchwardens, the Churchwarden in charge shall give a like security.
- Registration.** 3rd. Such security to ensure its validity shall be registered in the Registry Office of the County. 15
- Chairman.** 4th. The Churchwarden in charge shall preside at all meetings of the Board of Churchwardens, and, in case of his absence from such meetings, the Board shall elect a Chairman.
- No sum to be paid out without a vote.** 5th. It shall not be lawful for the Churchwarden in charge to pay out any sum of money without the sanction of the Board, other than the sums already appropriated. 20
- Responsibility.** 6th. He shall be responsible for any deficit which may exist at the time he shall render in the accounts, and also for the expenditure of the money in conformity with the decisions of the Council and Board of Churchwardens. 25
- Upon retirement.** 7th. Upon his retiring from office he shall give in his accounts to the Fabrique Council.
- Period of retirement.** 8th. The Churchwarden retiring from office shall retire on the thirty-first day of December in each year. 30
- Discharge of securities.** 9th. The Churchwarden in charge, and his security, shall be held free from all responsibility so soon as his accounts shall have been approved by the Parish.

Fabrique Councils.

- Meetings of Council.** 1st. The Council shall assemble upon the requisition or verbal, public or written notice of the Cure, Missionary, person administering the said Parish, or of the Churchwarden in charge.
- Proceedings of Council.** 2nd. The said Council shall only act in that capacity for the consideration of the matters enumerated in the different provisions of this Act.

3rd. The Council shall examine the accounts of the Churchwarden in charge as soon as they shall have been laid before them, and shall make a Report thereon, which they shall submit to the Parishioners at a meeting to be called for the purpose, within two months after the receipt of the said accounts. Examination of accounts.

General Provisions.

1st. In any Parish or Mission in which Trustees shall have been appointed to build any church, their term of office shall expire on the first day of January next after such building shall have been opened for Divine Service, and they shall be replaced, and their duties shall be discharged by the Board of Churchwardens. Trustees replaced by Churchwardens.

2nd. The said Trustees shall submit a statement in detail of their accounts to the Fabrique Council. Statement of accounts.

3rd. It shall be lawful for any elector of the Fabrique to take proceedings before the ordinary tribunals, in case of any mal-administration on the part of the Fabrique. Mal-administration.

III. This Act shall not affect the Acts providing for the civil erection of Parishes and for the erection and repairing of Catholic churches in Lower Canada. Application of this Act.

IV. This Act shall be a public Act. Public Act.

FORM A.

Bond of Churchwarden in Office.

Know all men by these presents, that we A B (*here insert name of Churchwarden*) of (*Parish, Mission, County and District,*) and C D and E F (*here insert name of two securities, their residence and occupation*) acknowledge ourselves to be jointly and severally indebted to the Fabrique of (*Parish or Mission, as the case may be*) in the sum of _____ dollars current money of this Province, to be paid for the use and benefit of the said Fabrique, and we do jointly and severally, oblige ourselves, our heirs and assigns, for the full and complete payment of the said sums, in presence of the undersigned witnesses, and we do specially hypothecate the property hereinafter mentioned, viz.: A B (*insert name of Churchwarden*) a certain, &c., (*describe his property or properties;*) C D (*insert name of the first of the securities and describe the property hypothecated;*) E F (*insert name of the other surety and the property hypothecated.*)

The condition of this Bond is such, that if the said (*insert name of Churchwarden,*) shall fulfil well and faithfully at all times the duties of the said office of Churchwarden, render a faithful account and pay over and remit to the said Fabrique, all the monies for which he is or may be accountable during his term of office, then this Bond shall be null and void and the properties above described shall cease to be hypothecated. In the contrary case, and so long as the accounts of the said Churchwarden shall not have been received and approved, and all sums of money due by him to the said Fabrique shall not have been paid, the property above described shall

remain hypothecated, and the present Bond shall remain in full force and vigor.

Done in duplicate at this day of the month of in the
 year of Our Lord one thousand eight hundred and

A. B. (*Signature of Churchwarden.*)

C. D. } *Signature of Sureties.*
 E. F. }

[L. S.]

Witness { G. H.
 { J. K.