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No. 202.

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to authorize the conveyance by the Catholic Parishioners of the Parish of Saint Hyacinthe, of the personal property, buildings and immoveables appropriated to Divine Worship, and for other purposes therein mentioned.

Received and Read a first time, Friday, 5th
November, 1852.

Second reading, Friday, 18th February, 1853.

MR. SICOTTE.

QUEBEC:

An Act to authorize the conveyance by the Catholic Parishioners of the Parish of St. Hyacinthe, of the Personal Property, Building and immoveables appropriated to Divine Worship, and for other purposes therein mentioned.

WHEREAS Messire Edouard Crevier, Priest, *Curé* of the Parish of St. Hyacinthe; Jules Benoit, Churchwarden in office of the said Parish, Messrs. Eusèbe Cartier, Louis Renaud Blanchard, L. A. Dessaulles, Cléophas Perrault, Joseph Normandin, Léonard Boivin, and François Cadoret, all residing in the Parish of St. Hyacinthe, have by their Petition set forth, that with a view to the erection of a new Bishopric, the seat whereof is to be established in the said Parish of St. Hyacinthe, it was resolved and agreed upon, at a meeting of the Parishioners of the said Parish, duly called for the said purpose, and held on the sixteenth of November, one thousand eight hundred and fifty-one, (as appears by the minutes of the said meeting, drawn up by the said Messire Edouard Crevier, Priest, then performing the duties of *Curé* in the said Parish,) by and between His Lordship, Monseigneur Ignace Bourget, Catholic Bishop of Montreal, acting for and in the name of the Roman Catholic Episcopal Corporation of Montreal of the one part, and the *Curé*, Churchwardens, Notables and other Parishioners of the said Parish of St. Hyacinthe of the other part, as follows, that is to say: That a transfer should be made to the said Bishop, acting in his said quality; 1st, of all the Chalices, vases, ornaments and other articles used in the celebration of Divine Worship in the said Parish, being the property of the said Fabrique, and an inventory whereof should be made; 2ndly, of everything due to the said Fabrique from any source whatsoever, a statement and inventory whereof should be made by the Churchwarden in office at the time of the transfer; 3dly, of a piece of land consisting of about two arpents by five, bounded in front by the River road, in rear by the property of Mrs. Widow Têtû; on one side by Bourdages Street, formerly called *Route Salvail*, and on the other side by the property of Eusèbe Cartier, Esquire, with the Church in progress of construction, the Parsonage House and dependencies; 4thly, of all rights which might be enjoyed by the Parishioners in a piece of land given at the same time as the above mentioned land by Sieur and Dame Delorme, for the use of the successive *Curés* of St. Hyacinthe, containing two arpents by twenty-four, bounded in front by St. Jacques Street, in rear by the lands of the Petit Rang; on one side by Bourdages Street, aforesaid, on the other by what was formerly the Domain of Madame Debartzch, now the property of the Ladies of the Hospital, without buildings; 5thly, the said Parishioners did further cede and convey to the said Lord Bishop, the sum of one thousand pounds currency, to be taken from and out of the moneys in the hands of the

Preamble.

Recital of an agreement entered into between Catholic Bishop of Montreal and the Parish of St. Hyacinthe.

Trustees of the new Church, or which remained to be collected from the rate-payers, authorizing the Trustees to pay such sum to the said Lord Bishop in the manner hereinafter mentioned; 6thly, as the Church now in course of erection is in a ruinous condition and requires to be built anew, the said Parishioners did authorize the Trustees to draw up a supplementary 5 repartition of five thousand pounds currency, to be levied upon all the rate-payers of the Parish, according to the value of the property of each rate-payer as fixed by the Assessment Rolls then in force; the said amount of five thousand pounds to be levied in twelve instalments, the first whereof should become due and payable, in accordance with the terms fixed by 10 the Trustees in the Act of repartition, and be all payable within ten years, the first payment to be made in June, one thousand eight hundred and fifty-three, the said Trustees being authorized to make a regular transfer thereof to the said Lord Bishop, who should expend the same in the construction of the said Church, subject to the advice of architects of experience; 15 7thly, for agreeing to and signing a deed of transfer of property in the lands above described and in the other effects belonging to the *Église*, which the said Parish did agree to convey to the said Lord Bishop as hereinbefore stated, the said Parishioners did appoint and authorize the Churchwarden in office and the then *Curé*, and Messieurs P. E. Leclère, 20 Eusèbe Cartier and L. R. Blanchard, who shall preside and see that the intentions of the said Parishioners are drawn up in proper form and carried out; the said Parishioners being desirous that no notarial deed of transfer of property should be executed in virtue of the said resolutions, and that no delivery or entering into possession should take place until the above mentioned supplementary repartition should be regularly homologated; the transfer being only made and considered as executed, subject to this condition and not otherwise; that on his part, the said Lord Bishop did accept, in his said quality, the said cession, subject to the conditions contained in the said minutes of the proceedings of the said meeting, and hereinafter mentioned: And whereas the said Petitioners further represent in 30 their Petition, that the said Trustees have not been enabled to become authorized to levy the said supplementary assessment, but that by virtue of an order made by the Commissioners appointed under the Ordinance concerning the erection of Parishes and the building and repairing of Churches, Parsonage-houses and Churchyards, passed by the Governor and Special Council of the late Province of Lower Canada, in the second year of Her Majesty's Reign, Trustees were appointed and authorized to make a plan and estimate of the work to be done to the Church of the said Parish of St. Hyacinthe, and to make and prepare a valuation of the property of 40 the rate-payers and of the repartition to be made upon them of the sums necessary for the execution of the said work, and that the said sum of five thousand pounds currency is insufficient for the re-building of the said Church; and whereas, on the representation of the said Petitioners that doubts have arisen as to the regularity of such estimate and repartition, 45 as also with respect to the validity of the transfer and cession proposed as aforesaid, it is expedient to authorize and legalize these proceedings and to make legislative provision for that purpose; Be it therefore enacted, &c.,

Agreement
declared valid.

That the agreement entered upon the minutes of the said meeting of the Parishioners of the said Parish of St. Hyacinthe, shall have full and 50 complete effect, any law to the contrary notwithstanding, and that thereupon the *Curé* and Churchwarden in office in the said Parish conjointly with Messieurs Pierre Eusèbe Cartier, Louis Renaud Blanchard, L. A.

Dessaulles, Cléophas Perrault, Joseph Normandin, Léonard Boivin, and François Cadoret, Parishioners of the said Parish, shall be authorized under and by virtue of this Act, in the name of the said Parish of St. Hyacinthe and of the *Fabrique*, to cede to the Roman Catholic Episcopal Corporation of Montreal: 1st, the vases, ornaments and other objects used in the performance of Divine Worship, as also all arrears and sums due to the *Fabrique* of the said Parish from any source whatsoever, after a faithful inventory thereof shall have been made by the said Churchwarden in office; 2ndly, a lot of land of two arpents by five, or thereabouts, bounded in front by the River road, in the rear by the property of Mrs. Widow Têtu, on one side by Bourdages Street heretofore known as *Route Salvail* and on the other side by Eusèbe Cartier, Esquire, with the Church in course of erection, the Parsonage-house and dependences; 3rdly, the rights which the Parish might be entitled to in a lot of land given at the same time as the lot of land above described, by the late Sieur and Dame Delorme for the use of the *Curés* who should succeed each other in the spiritual charge of the said Parish, containing two arpents by twenty-four, bounded in front by Saint James Street, in rear by the lands of the *Petit Rang*, on one side by the said Bourdages Street, and on the other side by what was formerly the Domain of Madame Debartzch, and is now the property of the Hospital, without any buildings thereon; 4thly, the sum of one thousand pounds currency to be taken out of the moneys at present in the hands of the Trustees appointed to superintend the building of the present Church of the said Parish of Saint Hyacinthe, in pursuance of an order published on the _____ day of _____ by the Commissioners for the civil erection of Parishes and the building and repairing of Churches, Parsonage-houses and Church-yards, or out of the moneys remaining to be collected by the said Trustees from the rate-payers in virtue of the repartition homologated on the _____ day of _____, and for this purpose, the said Trustees shall collect the balance remaining due upon the said repartition, in order to the payment of the amount of the said sum of one thousand pounds currency to the said Episcopal Corporation.

Cession of certain real and personal estate of the Parish to the said Bishop.

II. And be it enacted, That the Trustees elected in pursuance of the order of the Commissioners above mentioned, on the _____ day of July, one thousand eight hundred and fifty-two, shall be authorized to make a statement and estimate of the property and effects of the Catholic Parishioners of the said Parish of St. Hyacinthe, in accordance with the Assessment Rolls in force at the period of the said Parish meeting, without its being necessary to add thereto a plan of the works remaining to be done to the said Church; and to assess the said Parishioners in the said sum of five thousand pounds currency, in the ordinary way; and such statement and repartition may be confirmed by the said Commissioners, observing, nevertheless, the other formalities required by law; Provided always, that the first instalment or payment shall be made in June, one thousand eight hundred and fifty-three, and that the amount of the said repartition shall be payable in full within ten years, to be computed from the homologation thereof.

Certain authority rested in Trustees for the building of the St. Hyacinthe Church.

III. And be it enacted, That it shall be lawful for the Petitioners above mentioned to transfer the amount of the said repartition, or any part thereof, remaining due to the said Episcopal Corporation, to be applied to the construction of the said Church, subject to the advice of experienced

Amount of repartition to Episcopal Corporation.

architects; Provided always, that the said Trustees, in case they shall have collected any part of the said assessment, shall be bound to pay the same to the said Episcopal Corporation, to whom they shall be responsible for the same so soon as the transfer hereby intended shall have been executed; and the said Episcopal Corporation, their heirs and representatives, may, after the above mentioned transfer of the said repartition, or the balance thereof, sue for the recovery of the same in their respective names. 5

Parishioners of St. Hyacinthe discharged from obligation of contributing to maintenance of Church, &c.

IV. And be it enacted, That so soon as the transfer mentioned in the second section of this Act, shall have taken place, and in consideration of the above mentioned repartition of five thousand pounds currency, the Catholic Parishioners of the said Parish of St. Hyacinthe, shall be for ever liberated and discharged from the obligation of contributing to the maintenance, repairing and rebuilding of edifices destined to religious purposes, and intended for the use of the *Curé* or persons having the spiritual charge of the said Parish, as also from the obligation of providing for the expenses of the celebration of Divine Worship; and the said Parishioners shall not be obliged to contribute thereto under any pretext whatsoever. 10 15

The Episcopal Corporation of Montreal bound to perform certain obligations.

V. And be it enacted, That in consideration of the said cession and of the contribution above mentioned of five thousand pounds currency, by the Parishioners of Saint Hyacinthe, the said Roman Catholic Episcopal Corporation of Montreal, or their assigns, shall be bound as follows, that is to say:— 20

Spiritual care of the Parish.

It shall for ever be their duty: *First*. To provide for the spiritual care of the said Parish of Saint Hyacinthe, by such Priests, *Curés* or *Vicaires*, as they shall appoint and whom they shall provide with lodging and board, and for which purpose the said Corporation may collect the tithes. 25

Rebuilding of the Church.

Secondly, To rebuild the present Church, of at least the same dimensions as at present; the said Church to be built on the land at present possessed by the *Fabrique*.

Erection of a Palace.

Thirdly, To repair the present Parsonage-house or erect a fit and suitable residence for the Bishop to be installed in the future Bishopric of St. Hyacinthe. 30

Expenses of Divine Worship, &c.

Fourthly, To bear all the expense and charges of Divine Worship without exception, entering into the complete enjoyment of the buildings at present erected, subject to the condition, in case of fire or other damage, to repair the said buildings either in whole or in part, as may be necessary, without being entitled to exact from the Parishioners any aid or sum of money for the rebuilding or repairing thereof. 35

Payment of liabilities.

Fifthly, To discharge all liabilities, obligations, endowments and other charges due by the *Fabrique* of the said Parish. 40

Pews.

Sixthly, To make no alteration whatsoever in the present system of adjudication and sale of the pews of the Church.

Public Rooms.

Seventhly, To furnish and heat the ordinary public rooms, either in the Parsonage-house or elsewhere, in the neighbourhood of the Church.

Eighthly, To reserve the use of the present public Church-square, Church-square. in order that the Parishioners may leave their vehicles there as heretofore; it shall nevertheless be lawful for the said Episcopal Corporation or their assigns to alter the boundaries of such square, preserving, never-
5 theless, the same superficies.

Ninthly, To preserve uniformity in the tariff for all the Parishes of the future Diocese, and not to require the execution of that part of the present tariff of the said Parish of St. Hyacinthe, which fixes at six pounds five shillings currency, the price of opening the ground for interment in the
10 vault of the Church. Tariff to be uniform.

Tenthly, To chaunt, or cause to be chaunted, a *Libera*, according to custom, Libera to be chaunted. over the bodies of Parishioners, whether poor or rich, who shall be interred in the Church-yard.

VI. And be it enacted, That by virtue of the said cession and transfer, The said Corporation substituted to the Fabrique.
15 the said Roman Catholic Episcopal Corporation, and their assigns, shall, to all intents and purposes, be substituted to and for the *Fabrique* of the said Parish, and shall collect, for their own profit, all rights and dues which may or shall hereafter become payable to the said *Fabrique*, and shall have power to recover the amount thereof before a Court of Justice, as well as the tithes
20 due by the parishioners, in consequence of the said *Cure* being annexed to the Bishopric.

VII. And be it enacted, That by virtue of the said cession and transfer, Corporation to become incommutable proprietors of the property transferred.
25 the said Roman Catholic Episcopal Corporation shall be incommutable proprietors of the property which shall have been so transferred by virtue of this Act, shall enjoy complete ownership thereof for the purposes above mentioned, and may convey and transfer the same to the Bishop who shall
30 be installed in the future Bishopric of Saint Hyacinthe, to have and to hold the same to himself and his successors in office for ever, who, by virtue of this Act, shall *pleno jure* become seized thereof from the periods of their
35 respective installations; and the said Catholic Episcopal Corporation of Montreal are hereby authorized to cede and transfer all the property which shall have been ceded to them by virtue of this Act, to the Catholic Bishop of Saint Hyacinthe, to and for the uses and purposes mentioned in this Act, and not otherwise, to be by the said Catholic Bishop of Saint
40 Hyacinthe, and his successors, enjoyed for the purposes above mentioned, and, subject to the conditions above recited; and in order to the validity of such cession and transfer, the same shall be made and executed in due and authentic form before notaries, according to the required forms, without any other deed than the said deed of cession and transfer being necessary.

VIII. And be it enacted, That in the event of any of the persons appointed to make the cession and transfer aforesaid, becoming incapable or
40 being prevented from acting by reason of death, absence, or any other cause whatsoever, other persons shall be appointed in their place, at a meeting of the rate-payers of the said Parish to be called from the pulpit,
45 at parochial mass, and presided over by the *Curé* or Priest having the spiritual charge of the said Parish, who shall record the minutes thereof in the ordinary Minute Book, of the meetings and proceedings of the said Parish. Appointment of persons in the room of those who are absent, &c.

IX. And be it enacted, That this Act shall be deemed a Public Act, and Public Act.
50 shall extend to all Courts of Law or Equity in the Province, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.