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No. 262.

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

BILL.

An Act to make valid the Election of the Trustees for building a Church in the Parish of St. François du Lac St. Pierre, and to enable them to complete the said Church.

Received and Read a first time, Friday, 20th
April, 1849.

Second Reading, Thursday, 26th April, 1849.

MR. FOURQUIN.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to make valid the Election of the Trustees for building a Church in the Parish of St. François du Lac St. Pierre, and to enable them to complete the said Church.

WHEREAS Pierre Cartier, Louis Germanique Crevier de St. François, Jacques Bibeault, François Conturier *dit* Verville, Jean Cartier, Louis Crevier de St. François, Charles Barbeau, François Chevretils *dit* Belle-isle, Louis Jaunelle, Alexis Lemyre, and Joseph Plamondon, all of the Parish of St. François du Lac St. Pierre, in the District of Three Rivers, cultivators, were, after the observance of the requisite formalities as well on the part of the proper Ecclesiastical Authorities as otherwise, duly elected and appointed, according to the law then in force in that behalf, Trustees for the erection of a new Church in the said Parish; And whereas before the Act of Assessment which it was their duty to make and the proceedings relative thereunto were completed, an Ordinance was passed by the Governor and Special Council for the affairs of Lower Canada, 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,*" by which the laws in that behalf were changed, and under which Commissioners were appointed for the purposes of the said Ordinance in and for the said District of Three Rivers, which said Commissioners did in or about the month of December, one thousand eight hundred and forty, formally approve, ratify and confirm the election of the persons above named as Trustees for the purpose aforesaid, and the said Trustees proceeded to make and complete the said Act of Assessment and to collect the moneys due under the same by the inhabitants of the said Parish; And whereas doubts having arisen as to the validity of the said Act of Assessment and the election and powers of the said Trustees, they were compelled to bring actions against divers inhabitants of the said Parish, to recover the sums assessed upon them, and judgment was given in their favour in the Court of Queen's Bench for the said District of Three Rivers, but upon Appeal, judgment was given against them by the Court of Appeals for Lower Canada, in or about the month of March, one thousand eight hundred and forty-eight, whereby heavy costs were thrown upon them and they were prevented from proceeding further under the said Act of Assessment, and were and are greatly embarrassed, inasmuch as they are

Preamble.

Ordinance, 2
Vic. (3) c. 69.

without funds to complete the said Church and to meet the obligations they have contracted in their quality aforesaid, and among other things the costs in the said actions and appeal; And whereas they have prayed relief, and it is expedient to grant the same to them, saving the just 5 rights of all parties as to costs incurred in the said actions and appeal and the effect of the judgment in appeal: Be it therefore enacted, &c.

Election of the said Trustees and the Act of assessment made by them declared valid.

They may collect monies and make a new assessment, &c.

Proviso: as to former judgments, costs, &c.

And it is hereby enacted by the authority of the same, That the election and appointment of the persons named 10 in the Preamble to this Act, as Trustees for the purposes therein mentioned, and the Act of Assessment by them made, shall be and the same are hereby ratified, confirmed and made valid, and shall not be called in question by any person or party or in any Court whatsoever, and shall be deemed to have been valid from the 15 time the same were respectively had and made; any Act, Ordinance, law, judgment or sentence, to the contrary notwithstanding, and the said Trustees shall have full power and authority to levy all the moneys due and unpaid by any person under the said Act of Assessment, and to make a new Act of Assessment for raising and levying all such sums as may be necessary to enable them to meet the obligations by them contracted in their quality of Trustees, and also to meet the costs by them incurred 25 in the suits, actions and appeals aforesaid, and all proceedings dependent thereupon, which said sums now amount to the sum of *six hundred and sixty-two pounds fifteen shillings and eleven pence half-penny* currency: Provided always, that nothing herein contained shall be 30 construed to affect the right of any party to receive from the said Trustees any costs incurred before the passing of this Act, in any suit or case, whether decided before the passing of this Act or pending at the time of the passing thereof, but the same shall be paid by the said Trustees in 35 every case where without this Act they would have been paid by them, nor shall any thing in this Act affect any judgment actually rendered before the passing of this Act, but any judgment hereafter to be rendered by the said Court or by any other Court, shall be conformable to 40 this Act, and (except as to costs) any judgment rendered before the passing of this Act, shall be held to be right and legal, if it would be right and legal if rendered after the passing of this Act.