

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 128

**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. 10th August, 1850.**

Whereas Louis Comte, of the City of Montreal, Master Mason and Contractor, did, on the Eleventh day of April, one thousand eight hundred and forty-three, obtain 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 appointed 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, being 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 taxed at twelve pounds fourteen shillings and sixpence currency; And whereas by an instrument made and passed in the said Parish of St. Edouard on the Tenth day of March, one thousand eight hundred and forty, before Mtre. Bisset and his colleague, Notaries, 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 Trustees 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 Fabrique of the said Parish, and the said Trustees did in consequence thereof then and there deliver over their accounts as mentioned in the said last mentioned instrument to 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 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 by virtue of the said Judgment amounting to the sum of Two hundred and forty pounds seven shillings and four pence currency, in principal and costs, with interest as aforesaid on Two hundred and twenty-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: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, 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, 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 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-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 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 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 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 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 passing of this Act, 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 four pence currency, with the interest aforesaid, on the said sum of Two hundred and twenty-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 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 immoveables 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.