

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 112

An Act to amend the Acts and Ordinance concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses, and Church-yards. Assented to 30th May, 1855.

Whereas it is expedient to amend the laws in force concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses and Church-yards, in the manner hereinafter mentioned: 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, as follows:

I. For and notwithstanding any provision in the Ordinance of the Governor and Special Council of Lower Canada, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, intituled, *An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church-yards*, or in the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to continue and amend the Ordinance concerning the erection of Parishes, and the construction and repairing of Churches, Parsonage Houses, and Church yards*, or in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches and Church-yards in Lower Canada*, respecting the manner in which any sums of money are hereafter to be levied for the purposes in the said Acts and Ordinance mentioned, and suits brought for the recovery of the said sums of money under and by virtue of the said Acts and Ordinance, — all suits which shall be hereafter brought for the recovery of any sums of money to be levied under and by virtue of the said Acts and Ordinance, for the purposes therein mentioned, shall be brought either before a Circuit Court, as provided in and by the said Acts and Ordinance, without appeal from any judgment either final or interlocutory, rendered by the said Court, or before the Commissioners' Court nearest to the residence of the party sued, or before one or more Justices of the Peace of the locality in which the assessment is leviable, and in default of such resident Justice, then before, the Justice or Justices nearest to the said locality, and all such actions may be maintained by the production of duly authenticated certificates of papers and documents, the production whereof might be required to maintain such actions, if this Act had not been passed.

II. Whenever the sums of money to be so levied shall exceed three pounds currency, they shall be levied and payable in equal and quarterly payments, and not otherwise; any law to the contrary notwithstanding.

III. Whenever the construction of any Church (of the description mentioned in the said Ordinance) in any Parish or Mission in Lower Canada, shall either have been begun before the passing of this Act, or shall hereafter be begun by voluntary subscription, or having been constructed by voluntary subscription, any work shall remain to be done to such Church, the completion thereof or of the works necessary to such completion, may be proceeded with and performed in the same manner as provided for the building of Churches under and in virtue of the said above cited Ordinance, or of any Act or Ordinance amending the same, as if the construction of the said Church had been originally commenced under the provisions of the said Acts and Ordinance.

IV. Should a majority of the Parishioners, at the same or any other time, present a petition praying for permission to erect a public Hall or any other edifice, in conformity with the Acts and Ordinance hereinbefore cited, it shall be lawful for the Commissioners to accede to the prayer of the said Petitioners, provided that such buildings be erected upon land belonging to the Fabrique, and not elsewhere.

V. The builder or contractor who shall have been employed for the erection or repair of any Church, Parsonage House, Sacristy or other buildings or works belonging to any Fabrique, which shall have been erected without the observance of the formalities required by law, shall have his recourse against the said Fabrique, so soon as they shall have taken possession of the said buildings or works, for any amount that may be due to him on account of labor performed by him; Provided always, that in such case the Fabrique shall be empowered to sue for and; recover the amount of subscriptions remaining due by the Parishioners, and to compel the Trustee, Attorney or Agent, if any such shall have been appointed to superintend the said work to render an account of the moneys by him collected for the said works, and of his expenditure thereof.

VI. Any decree for the canonical erection of a new Parish, or for the subdivision, dismemberment, or union of any Parishes, or with regard to the alteration or modification of the boundaries, limits and division lines of Parishes already erected or established according to law, rendered before the passing of this Act according to the canonical laws, form and usages followed in the Roman Catholic Dioceses in Lower Canada may, and every such decree rendered hereafter shall be publicly read and published on two consecutive Sundays from the pulpit in the Churches or Chapels of the Parishes or missions interested in the said erection, dismemberment, division, union, alteration of limits, boundaries or lines of demarcation, (or, in default of such Parish Church or Chapel, from the pulpit of the Church or Chapel of the Parish whence the inhabitants of the Parish or Mission in question are ministered to) together with a notice informing the parties interested, that on the expiration of thirty days, or one day later if the thirtieth day be a holyday (*fête d'obligation*) after the last reading and publication of the said canonical decree, ten or a greater number of the inhabitants being freeholders mentioned in the petition presented to the ecclesiastical authorities for the rendering of the said canonical decree, will apply to the Commissioners for the civil recognition thereof; and that all having or pretending to have any opposition or claim to bring against the said civil recognition, will be bound to file and deposit the same before the expiration of the said thirty days, in the custody of the Clerk of the said Commissioners; and it, within the said period no opposition be made to the said civil recognition of

the said canonical decree, and filed and deposited as aforesaid in the custody of the said clerk, or if the said opposition be made and filed, and dismissed by the said Commissioners, the said Commissioners shall make their report to the Governor of this Province for the time being, in conformity to the said canonical decree.

VII. The Commissioners appointed in the different districts, by virtue of the said Acts and Ordinance cited in the first section of this Act, shall be vested with all the powers necessary for the one execution of this Act, and shall retain all the powers already vested in them by the said Acts and Ordinance.