



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 240

(Private)

**An Act respecting “The *Fabrique* of the
parish of Saint-Jacques-le-Majeur”**

Introduction

**Introduced by
Mr. David Birnbaum
Member for D’Arcy-McGee**

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(Private)

AN ACT RESPECTING “THE *FABRIQUE* OF THE PARISH OF SAINT-JACQUES-LE-MAJEUR”

AS, by his papal bull of 13 May 1836, Pope Gregory XVI created the Diocese of Montréal and declared that St. James the Greater Cathedral would be the cathedral of the Bishop of Montréal;

AS, although it was established canonically, this diocese had no legal personality under civil law;

AS, after the Archbishop of Québec City and the Bishops of Montréal and Bytown petitioned the Parliament of United Canada for an act to incorporate the said Archbishop and Bishops severally and for authorization allowing each of them to own and acquire property for religious purposes, under the Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada (1849, 12 Victoria, chapter 136), the Parliament of United Canada constituted the Bishop of Montréal and his successors into a corporation by creating “The Roman Catholic Episcopal Corporation of Montreal”;

AS, after St. James the Greater Cathedral was destroyed by fire in 1852, Monseigneur Ignace Bourget decided to have a new cathedral built on the grounds of “The Roman Catholic Episcopal Corporation of Montreal”;

AS, after the Roman Catholic Diocese of Montréal was canonically established as an archbishopric on 8 June 1886, under the Act to amend and explain the act of this Province 32 Victoria, chapter 73, respecting the incorporation of the Roman Catholic Bishops of this Province (1887, 50 Victoria, chapter 27), the Parliament of Québec constituted the “Roman Catholic Archiepiscopal corporation of Montreal”, which succeeds “The Roman Catholic Episcopal Corporation of Montreal”;

AS, to better meet the pastoral needs of the faithful attending this church, on 30 April 1904, Monseigneur Paul Bruchési decreed the establishment of the parish of Saint-Jacques-le-Majeur;

AS, under the decree, the parish of Saint-Jacques-le-Majeur had a legal personality within the meaning of canon law;

AS, despite the addition of the title “Mary, Queen of the World” to the cathedral building in 1955, the parish continued to operate under its historical title “Saint-Jacques-le-Majeur”;

AS, given that pastoral work developed in the parish over the years, Monseigneur Christian Lépine, Archbishop of Montréal, wished to constitute “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” so that it would have a legal personality separate from the “Roman Catholic Archiepiscopal corporation of Montreal”;

AS, following Monseigneur Christian Lépine’s 11 April 2017 declaration constituting “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” under section 11 of the Act respecting fabriques (chapter F-1), the *Fabrique* was duly constituted and has been governed by that Act since 25 April 2017;

AS Saint-Jacques-le-Majeur parish attendance extends beyond its canonically established territory and as it would be important to ensure that the people attending the parish within the *Fabrique* who do not consider themselves parishioners within the meaning of the Act respecting fabriques are better represented in the *Fabrique*;

AS the Archbishop of Montréal’s involvement in the parish of Saint-Jacques-le-Majeur is unique;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 28 of the Act respecting fabriques (chapter F-1), loans of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”, other than those referred to in section 27 of that Act, require only the Bishop’s special, prior authorization.
- 2.** For the purpose of applying section 29 of the Act respecting fabriques to “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”, the following words from that section are deemed not written: “, except where such authorization or approval is expressly required by this Act”.
- 3.** Sections 35 to 38, 40 and 41 of the Act respecting fabriques do not apply to “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”.
- 4.** The churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” are appointed by the Bishop of the diocese where the *Fabrique*’s head office is located.
- 5.** Any natural person may be appointed to the office of churchwarden.
- 6.** The decree appointing a churchwarden specifies the term of office, which may not exceed three years. The churchwarden’s term of office is extended until he or she is reappointed or replaced.

A churchwarden’s term may be renewed consecutively only once.

- 7.** Paragraph *a* of section 39 of the Act respecting fabriques does not apply to churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”.

8. The term of office of the churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” in office on *(insert the date of assent to this Act)* ends on *(insert the date that is two years after the date of assent to this Act)*.

9. This Act comes into force on *(insert the date of assent to this Act)*.

