



## CHAPTER 75

### An Act respecting certain immovables in the cadastre of the village of Soulanges

[Assented to 21 December 1994]

Preamble

WHEREAS, by a deed executed on 8 July 1786 by J. Gabrion and J. Vuatier, royal notaries of the district of Montréal, and registered at the registry office of the registration division of Vaudreuil under number 290438, two immovables located in the parish of Saint-Joseph-de-Soulanges and described in more detail in the deed of gift were given by Joseph Dominique Emmanuel Lemoyne, seigneur of Soulanges, new Longueuil, to the “new church and parish of Saint-Joseph of the said Soulanges” [*translation*];

Whereas the immovables are now described as lots 2-1, 3 and 4 of the cadastre of the village of Soulanges and part of lot 2 of the said cadastre as described in Schedule C;

Whereas the deed of gift contains the clauses reproduced in Schedules A and B;

Whereas the presbytery has not been occupied for approximately two years and has become a burden for the *fabrique*, whereas the *fabrique* is contemplating the sale of the presbytery to persons who would make it into a residence for the elderly, and whereas the sale was approved by the bishop of Valleyfield on 30 November 1992 and by the general meeting of parishioners on 13 December 1992;

Whereas, by the deed registered on 10 June 1992 at the registry office of the registration division of Vaudreuil under number 276508, the *fabrique* transferred to the municipality of des Cèdres an immovable now described as lot 2-1 of the cadastre of the village of Soulanges, whereas in the longer term, the *fabrique* is contemplating the disposal of other parts of the immovables given to it, whereas such

a decision would involve, in particular, the closure of the parish church and would require authorization from the bishop, and whereas a general meeting of parishioners would be called to discuss the matter;

Whereas, however, the clauses in the deed of gift that are reproduced in Schedules A and B are an obstacle to any such sale, and whereas it is expedient to annul them to the extent that they pertain to parts of lots that have already been sold by the *fabrique* or that it intends to sell in the short or the medium term;

Whereas the bishop of Valleyfield, in a letter dated 15 July 1993, authorized the *fabrique* to request the passing of this Act;

Whereas Joseph Dominique Emmanuel Lemoyne died leaving no issue, whereas he constituted his nephew, Jacques-Philippe Saveuse de Beaujeu, as universal legatee, whereas those descendants of Jacques-Philippe Saveuse de Beaujeu that have been located have been informed that this Act is being considered, whereas none of them has opposed the passing of this Act, but whereas it has not been possible to locate certain descendants of Jacques-Philippe Saveuse de Beaujeu;

Whereas the proceedings to ensure the passing of this Act were commenced before 1 January 1994, the date of coming into force of the Civil Code of Québec;

Whereas the municipality of des Cèdres and the school board of des Trois-Lacs each occupy a part of the immovables contemplated by this Act, and whereas they have been informed of its introduction and have declared by way of resolution that they have no objection to its passing;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Annulment        **1.** All the obligations, charges and conditions set out in Schedules A and B regarding the use of lots 2-1 and 4 of the cadastre of the village of Soulanges, the part of lot 2 of the said cadastre described in Schedule C, and the parts of lot 3 of the said cadastre described in Schedules D and E, are hereby annulled.

Servitude        However, at the time of sale of the part of lot 3 described in Schedule D, the presbytery erected thereon must be subject to a servitude for the conservation of the existing facade.

Annulment        **2.** Any right of the successors of Joseph Dominique Emmanuel Lemoyne to take back lots 2-1 and 4 of the cadastre of the village of

Soulanges, the part of lot 2 of the said cadastre described in Schedule C and the parts of lot 3 of the said cadastre described in Schedules D and E, that may arise from the clause reproduced in Schedule B or from non-fulfilment of the clauses reproduced in Schedules A and B, is also annulled.

Replace  
rights

**3.** The real rights in lots 2-1 and 4 of the cadastre of the village of Soulanges, in the part of lot 2 of the said cadastre described in Schedule C and in the parts of lot 3 of the said cadastre described in Schedules D and E, annulled by sections 1 and 2, are replaced by personal rights against the *fabrique* of the parish of Saint-Joseph-de-Soulanges.

Value

The personal rights have the same value as the value of the real rights they replace immediately prior to 21 December 1994, and must, on pain of forfeiture, be exercised within three years of 21 December 1994.

Notice

**4.** The *fabrique* shall publish a notice which shall make reference to the number of the bill introducing this Act and the date of assent to this Act, in accordance with the terms of the second paragraph of article 2995 of the Civil Code of Québec.

Notice

The notice shall request the registrar to cancel all obligations, charges and conditions regarding the use of lots 2-1 and 4 of the cadastre of the village of Soulanges, the part of lot 2 of the said cadastre described in Schedule C and the parts of lot 3 of the said cadastre described in Schedules D and E, as well as any right to take back those immovables created under the deed registered under number 290438.

Coming into  
force

**5.** This Act comes into force on 21 December 1994.

#### SCHEDULE A (Sections 1, 2 and 3)

“Both for the said church and for himself and the pastors and missionaries who succeed him as future servants of the parish of Soulanges, under the authority of the Bishop of Québec;”  
[translation]

#### SCHEDULE B (Sections 1, 2 and 3)

“The aforementioned parcels of land intended for the service of the said Church and *Fabrique* Saint-Joseph de Soulanges and for the

service of the said Sieur Pierre Denault and the pastors and missionaries who succeed him as future servants of the said parish, for as long as the church erected on the said land exists, given free from all charges or dues and on the sole condition that, should it be judged appropriate at some future date to rebuild the said church at a place other than on the land hereby given, the said Sieur de Longueuil or his heirs and successors will as of right recover possession of the said parcels of land." [translation]

#### SCHEDULE C

(Sections 1, 2, 3 and 4)

Part of lot 2 of the cadastre of the village of Soulanges, belonging to the *Fabrique* of the parish of Saint-Joseph-de-Soulanges, irregular in shape, bounded on the northeast by lots 5 and 7 and by part of lot 9 of the said cadastre, on the southeast by part of lot 3 of the said cadastre, on the southwest by lots 1-2 and 2-1 (street) of the said cadastre and on the northwest by lot 2-1 (street) of the said cadastre and by part of lot 310-1 of the cadastre of the parish of Saint-Joseph-des-Cèdres.

Having a northeast boundary 46.48 metres in length, a southeast boundary 138.87 metres in length, a first southwest boundary 29.62 metres in length, a second southwest boundary 6.10 metres in length, a first northwest boundary 40.36 metres, 61.92 metres and 15.58 metres in length, and a second northwest boundary 21.27 metres in length.

#### SCHEDULE D

(Sections 1, 2, 3 and 4)

Part of lot 3 of the cadastre of the village of Soulanges, belonging to the *fabrique* of the parish of Saint-Joseph-de-Soulanges, almost rectangular in shape, bounded to the northeast and the southeast by other parts of the same lot, to the southwest by a public highway shown on the original plan and to the northwest by lot 1-2 and part of lot 2 of the said cadastre.

Having a northeast boundary 24.38 metres in length, a southeast boundary 91.33 metres in length, a southwest boundary 23.83 metres in length, a first northwest boundary, along the dividing line with lot 1-2, 57.56 metres in length, and a second northwest boundary, along the dividing line with lot 2, 33.80 metres in length.

SCHEDULE E  
(Sections 1, 2, 3 and 4)

Part of lot 3 of the cadastre of the village of Soulanges belonging to the *fabrique* of the parish of Saint-Joseph-de-Soulanges, almost rectangular in shape, bounded to the northeast by lots 23 and 25 and by part of lot 21 of the said cadastre, to the southeast by the rue Saint-Joseph, a public highway shown on the original plan, to the southwest by lot 4 of the said cadastre, and to the northwest by another part of lot 3 of the said cadastre.

Having a northeast boundary 40.96 metres in length, a southeast boundary 94.63 metres in length, a southwest boundary 40.97 metres in length and a northwest boundary 95.13 metres in length.