

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 138

**AN ACT RESPECTING CERTAIN TRANSACTIONS BETWEEN
THE SOCIETY OF JESUS, THE CORPORATION
"LE COLLÈGE DES JÉSUITES" AND THE CORPORATION
"LE COLLÈGE SAINT-CHARLES GARNIER"**

Bill 203

Introduced by Mr Réjean Doyon, Member for Louis-Hébert

Introduced 2 April 1987

Passage in principle 23 June 1987

Passage 23 June 1987

Assented to 23 June 1987

Coming into force: 23 June 1987

Act amended: None



Éditeur officiel
Québec



CHAPTER 138

**An Act respecting certain transactions
between the Society of Jesus, the corporation
“Le Collège des Jésuites” and the corporation
“Le Collège Saint-Charles Garnier”**

[Assented to 23 June 1987]

Preamble

WHEREAS the Society of Jesus was incorporated on 18 May 1887 by chapter 28 of the statutes of 1887, amended by chapter 128 of the statutes of 1950-51, by chapter 190 of the statutes of 1959-60 and by chapter 164 of the statutes of 1960-61;

Whereas one of the objects of the Society of Jesus is to create and maintain houses for the purposes of education, study, retreat and other works;

Whereas the corporation “Le Collège des Jésuites” composed in part of priests of the Society of Jesus was incorporated by chapter 122 of the statutes of 1923-24, amended by chapter 146 of the statutes of 1930-31;

Whereas the Collège Saint-Charles Garnier, owned by the corporation “Le Collège des Jésuites”, gives instruction and education and whereas that work was, until 1982, entrusted to the corporation “Le Collège des Jésuites”, established to secure the permanency of the institution and ensure its proper functioning;

Whereas, from 1982, the work has been entrusted to the corporation “Le Collège Saint-Charles Garnier”, incorporated by letters patent issued on 3 June 1981 under the authority of Part III of the Companies Act (R.S.Q., chapter C-38); whereas that corporation is not composed of priests of the Society of Jesus;

Whereas the Society of Jesus wishes to be freed of all its obligations with respect to the work and the ownership of the Collège Saint-Charles Garnier provided its successors agree to certain conditions, one condition being the continuation of the work;

Whereas it is in the public interest that the work be carried on;

Whereas the surest and most effective means of guaranteeing the continuation of the work, thus ensuring its perpetuity, is to create an undefeasible lien on the immovables;

Whereas, under the terms of the respective incorporating Acts and amendments thereto, doubt subsists as to the power of the Society of Jesus and the corporation "Le Collège des Jésuites" to effect the transfer of the immovables by gratuitous title or at a lower price than their actual value;

Whereas the Act to authorize the municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39) does not provide for any exemptions for situations involving transactions such as those envisaged by the parties and whereas it is in the public interest to exempt the parties from the payment of part of such duties, taking into consideration the purpose of the transactions;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Transfer by
gratuitous
title

1. The corporation "Le Collège des Jésuites" has the power to transfer the immovables described in the schedule, by gratuitous title or at a lower price than their actual value, to the Society of Jesus. The amount of transfer duties exigible for that transfer under the Act to authorize the municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39) shall be \$5 850.

Transfer by
gratuitous
title

2. The Society of Jesus has, in turn, the power to transfer the same immovables, by gratuitous title or at a lower price than their actual value, to the corporation "Le Collège Saint-Charles Garnier"; the amount of transfer duties exigible for that transfer under the Act to authorize the municipalities to collect duties on transfers of immovables shall be \$5 850. The deed of transfer may entail charges, conditions, obligations and prohibitions that may restrict the use of the immovables in view of ensuring that the immovables are used for education purposes or related purposes, the charges, conditions, obligations and prohibitions constituting, in such case, a real right encumbering the immovables.

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Society of Jesus

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True copy

3. A true copy of this Act may be registered by deposit.

Coming into
force

4. This Act comes into force on 23 June 1987.

SCHEDULE

An immovable known and designated as an immovable composed of lots one hundred and seventy-six (176) and one hundred and seventy-seven (177) in the official plan and book of reference of the cadastre of the parish of Notre-Dame-de-Québec, including all buildings erected upon and appurtenances.