

1982, chapter 68

# AN ACT RESPECTING THE COMMON OF THE SEIGNIORY OF YAMASKA

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**Bill No. 190**

Introduced by Mr Maurice Martel

First reading: 2 December 1981

Second reading: 1 June 1982

Third reading: 22 June 1982

**Assented to: 23 June 1982**

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**Coming into force: 23 June 1982**

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**Act amended:** None



## CHAPTER 68

### An Act respecting the Common of the Seigniorship of Yamaska

*[Assented to 23 June 1982]*

**Preamble.** WHEREAS, on 10 January 1713, seigneur Pierre Petit gave as a common, to the inhabitants of the Seigniorship of Yamaska, a certain territory forming part of that seigniorship;

Whereas the Gouvernement du Québec wishes to acquire the lots forming part of the Common of Yamaska described in the Schedule so as to become the sole and absolute owner of the lots;

Whereas the proprietor of the right of ownership to the soil, sub-soil and accessory rights is unknown and untraceable;

Whereas the lots described in the Schedule are acquired in view of establishing a sanctuary for wildlife, especially migratory birds;

Whereas the offer to purchase made by the Gouvernement du Québec has been accepted by a majority of the holders of rights in the common;

Whereas it is expedient to grant to the corporation known as the "Chairman and trustees of the common of the Seigniorship of Yamaska" the powers necessary to collect and distribute the sums granted for and in the names of the holders of rights in the common;

Whereas the "Act to enable the Inhabitants of the Seigniorship of Yamaska to provide for the better regulation of the Common of the said Seigniorship" (3 Geo. IV, chapter 18) incorporated the "Chairman and trustees of the common of the Seigniorship of Yamaska";

Whereas the passing of an Act is the only juridical means of obtaining an undisputable title of ownership;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

Authoriza-  
tion.

**1.** The “Chairman and trustees of the common of the Seignior of Yamaska”, hereinafter referred to as “the corporation”, is authorized to dispose in favour of the Gouvernement du Québec, without any restriction or reserve, in its corporate name, in the place and stead of the holders, the shares and rights of every holder in the common, receive the price therefor, grant and give, upon payment of the amount thereof, valid discharge for the same and grant and sign any deed of transfer.

Modalities.

**2.** Within ninety days after the coming into force of this Act, the corporation shall:

(a) prepare and fill out a statement of distribution of the total price, showing the names and addresses of the persons entitled to a fraction of that price;

(b) satisfy itself that the holders of rights establish their titles;

(c) give notice once, in the *Gazette officielle du Québec* and in a daily newspaper circulated in the parish municipality of Saint-Michel-d’Yamaska, that such statement has been prepared, filled out and deposited at the corporate seat of the corporation where it may be examined by any person interested within ninety days after publication of the notice.

Review.

**3.** During the ninety days following publication of the notice mentioned in section 2, every person interested may apply to the corporation and request that the statement be reviewed to have his rights taken into account.

Decision.

The decision of the corporation must be rendered within thirty days, reasons therefor must be given in writing and a copy thereof must be served immediately on the person interested, by registered or certified mail.

Review.

**4.** Within thirty days after the mailing of the decision of the corporation, every interested person may apply to the Superior Court of the district of Richelieu and request that the decision be reviewed.

Judgment.

The court may confirm, quash or amend the decision of the corporation and the judgment is final.

Homologation.

**5.** If no contestation or request is made in connection with the statement within the period provided in section 3 or, where a review has been requested under section 4, within fifteen days of

the judgment of the court, the corporation may apply to the Superior Court of the district of Richelieu to have the statement homologated, with or without amendment.

**Applica-  
tion.** The application for homologation must be preceded by a notice, stating the date of its filing, published in a daily newspaper circulated in the parish municipality of Saint-Michel-d'Yamaska.

**Presump-  
tion.** **6.** The homologated statement is deemed to have been made in accordance with this Act and shall be used as the basis for the apportionment and payment provided for in this Act.

**Apportion-  
ment.** **7.** Within sixty days after the homologation of the statement, the corporation shall pay the sums provided for to every holder of rights according to his share.

**Unknown  
persons.** If a person is unknown or untraceable, the sums shall be deposited in the office of the Minister of Finance, in conformity with section 17 of the Deposit Act (R.S.Q., chapter D-5).

**Advance  
payment.** **8.** Every advance paid to the holders of rights before the coming into force of this Act is deemed to form an integral part of the statement prepared under section 2.

**Marcel  
Cardin.** **9.** Marcel Cardin may apply to the Superior Court of the district of Richelieu to determine if he has suffered any damage following the sale of the common and the loss of his right of pasture. If such is the case, the Superior Court shall determine the extent of the damage.

**Insufficient  
compensa-  
tion.** If the Superior Court decides that the sums offered to Marcel Cardin under sections 7 and 8 are insufficient to compensate him for the damage he has suffered, it shall determine the supplementary sum that should be added for full compensation.

**Claim.** Marcel Cardin may claim such supplementary sum from the Gouvernement du Québec.

**Exception.** **10.** The sum to which Marcel Cardin may be entitled under section 9 is distinct from the sale price contemplated in section 1 and it shall not be taken out of that price.

**Dissolu-  
tion.** **11.** Upon proof deemed sufficient by the Minister of Financial Institutions and Cooperatives that the corporation has no debt or obligation and has disposed of its property, the Minister may declare the corporation dissolved from the publication of a notice in the *Gazette officielle du Québec*.

**Presump-  
tion of  
ownership.** **12.** The lots described in the Schedule, as well as the subsoil and any related accessory right not yet reserved by the Crown, are

deemed to be owned by the Gouvernement du Québec in the same manner as if it had been put in definitive possession.

Absolute  
ownership.

Registration of this Act and Schedule by deposit or memorial confers definitive and absolute title of ownership on the Gouvernement du Québec.

Coming  
into force.

**13.** This Act comes into force on the day of its sanction.

## SCHEDULE

### DESCRIPTION OF THE COMMON OF YAMASKA

1. A parcel of land situated in the parish municipality of Saint-Michel-d'Yamaska, being original lot number 764 of the official cadastre of the parish of Saint-Michel (Saint-Jean island in the Yamaska river).

2. A parcel of land situated in the parish municipality of Saint-Michel-d'Yamaska, being part of original lot number 762 (common) of the cadastre of the parish of Saint-Michel and bounded as follows: on the northwest by lots 762-378 and 762-438 to 762-492; on the southwest by lot 762-496 (street) "chemin du 5e rang" and by lot 762-492; on the northwest by the cadastre of the parish of Sainte-Anne; on the northeast by the cadastre of the parish of Saint-François-du-Lac; on the east by the Yamaska river; on the southeast by lot 359 (Île du Domaine est), lot 442 (Île du Domaine ouest), the little channel, the clearance and lots 762-247 to 762-290; on the southwest by lots 762-291 and 762-298 to 762-378.

Containing in area, according to the cadastre, three thousand one hundred and ninety-one square arpents, fourteen square rods and one hundred and thirty-two square feet (3 191 sq. arp., 14 sq. rods and 132 sq. ft), French measure.