

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, First session

1981, chapter 51

**AN ACT RESPECTING CERTAIN LOTS
OF THE CADASTRE OF THE PARISH OF SAINT-SAUVEUR,
REGISTRATION DIVISION OF QUÉBEC**

Bill No. 262

Introduced by Mr Richard Guay

First reading: 3 June 1981

Second reading: 18 June 1981

Third reading: 18 June 1981

Assented to: 18 June 1981

Coming into force: 18 June 1981

Act amended: None



CHAPTER 51

An Act respecting certain lots of the cadastre
of the parish of Saint-Sauveur, registration division of Québec

[Assented to 18 June 1981]

Preamble. WHEREAS under the terms of his last will made on 31 December 1850 before Th. Petitclerc, notary, registered at Québec on 30 September 1876 under number 51 645 and amended by a codicil made on 15 January 1851 before the same notary and registered at Québec on 30 September 1876 under number 51 646, Jean Guillet *alias* Tourangeau bequeathed the residue of his property to his children on condition that they remit it to his grandchildren, and on condition that his grandchildren remit it to his great-grandchildren, thus establishing a substitution in the second degree exclusive of the institute, and whereas the residue is composed of lots 2341-C-225, 2341-C-226, 2341-B-30, 2341-B-31, 2341-B-42 and 2341-B-43 of the cadastre of the parish of Saint-Sauveur, registration division of Québec, of which the Commission de transport de la Communauté urbaine de Québec is presently the registered owner, and possesses them as owner;

Whereas the testator was still the owner of the immoveables at the time of his death on 6 February 1851 and left them in his estate, and whereas at the time of the coming into force of the cadastre, on 31 December 1873, his estate was the owner thereof;

Whereas, under the terms of his codicil, the testator authorized his children issued from his marriage to Adélaïde Bernier to dispose, on certain conditions, of the lots and sites belonging to him without, however, giving the same powers to his grandchildren, the institutes in the substitution in the second degree under the terms of his will;

Whereas, according to the information obtained, more specifically in the Act respecting the estate of Jean Guillet *alias* Tourangeau (1899, chapter 103), assented to on 10 March 1899, the

testator's children in the first degree were Pierre, Émilie, Jean, Adolphe and Octave;

Whereas Pierre died without posterity, Octave died leaving one child, Henriette; whereas Émilie died leaving two children, John Archibald Fages and Alfred-Octave Fages; whereas Adolphe died leaving five children, Adolphe, Anna, Marie-Louise, Adèle and Corinne; whereas Jean died leaving two children, Alphonse and Roch, the latter having died without posterity, and whereas Alphonse died leaving six children, Alphonse, Alice, Albertine, Roch, Bella and Edith;

Whereas the said Act of 1899 declares final the partition made on 17 February 1899 before V.-W. Larue, notary, and registered at Québec on 2 March 1899 under number 101 679;

Whereas the said partition attributed to Henriette lots 2341-C-225, 2342-C-226, 2341-B-42 and 2341-B-43 of the said cadastre and to Adolphe, Anna, Marie-Louise, Adèle and Corinne lots 2341-B-30 and 2341-B-31 of the said cadastre;

Whereas Marie-Louise, Henriette, John Archibald, Alfred-Octave and Adolphe died on 30 June 1906, 14 March 1923, 25 August and 18 October 1929 and 25 March 1933, respectively;

Whereas, on 26 October 1945, Anna, Adèle and Corinne, then the sole surviving grandchildren of the testator and sole institutées in the second degree sold to the city of Québec lot 2341-B-43 of the said cadastre;

Whereas Anna died on 16 February 1948;

Whereas, on 8 November 1951, Adèle and Corinne, then the sole surviving grandchildren of the testator and sole institutées in the second degree sold to Lucien Plamondon lot 2341-B-31 of the said cadastre and whereas, on 7 April 1952, they sold to The Québec Railway, Light and Power Company lots 2341-C-225, 2341-C-226, 2341-B-30 and 2341-B-42 of the said cadastre;

Whereas at the time of the three sales, the curator to the substitution intervened but it was impossible to identify the substitutes in the substitution;

Whereas doubts remain as to the validity of the three sales concluded by the sole institutées in the second degree then surviving, without judicial formality;

Whereas the Commission de transport de la Communauté urbaine de Québec and its predecessors have always enjoyed peaceful possession of these lots and they have always held them as owners;

Whereas it is expedient to remove any remaining doubt as to the validity of the titles of ownership of the Commission de transport de la Communauté urbaine de Québec to the immoveables and to ratify the sales concluded by the sole institutes in the substitution;

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

Ratification.

1. The sale concluded on 26 October 1945 before Charles Delagrave, notary, copy of which was registered on 9 November 1945 in the registry office of the registration division of Québec under number 299 820, following which sale Anna, Adèle and Corinne Guillet *alias* Tourangeau, at that time the sole institutes in the second degree in the substitution created under the will of Jean Guillet *alias* Tourangeau, sold, without judicial formality, to the city of Québec, lot 2341-B-43 of the cadastre of the parish of Saint-Sauveur, registration division of Québec, is ratified.

Ratification.

2. The sale concluded on 8 November 1951 before Louis Baillargeon, notary, copy of which was registered on 21 November 1951 in the registry office of the registration division of Québec under number 360 880, following which sale Adèle and Corinne Guillet *alias* Tourangeau, at that time the sole institutes in the second degree in the substitution created under the will of Jean Guillet *alias* Tourangeau, sold, without judicial formality, to Lucien Plamondon, lot 2341-B-31 of the cadastre of the parish of Saint-Sauveur, registration division of Québec, is ratified.

Ratification.

3. The sale concluded on 7 April 1952 before Jules Baillargeon, notary, copy of which was registered on 23 April 1952 in the registry office of the registration division of Québec under number 364 183, following which sale Adèle and Corinne Guillet *alias* Tourangeau, at that time the sole institutes in the second degree in the substitution created under the will of Jean Guillet *alias* Tourangeau, sold without judicial formality, to The Québec Railway, Light and Power Company, lots 2341-C-225, 2341-C-226, 2341-B-30 and 2341-B-42 of the cadastre of the parish of Saint-Sauveur, registration division of Québec, is ratified.

Opposability.

4. The deeds of transfer of ownership, including the two deeds referred to in sections 1 to 3, of the lots forming the object of this Act are ratified and confirmed and may be set up against third parties from their date.

Personal
claim.

5. If any person, partnership or corporation would, but for sections 1 to 4, be entitled to claim by way of an action any right of ownership to the whole or any part of the immoveables, his claim is converted into a personal claim against the Commission de transport de la Communauté urbaine de Québec for an amount equal to the value of that right of ownership computed at the date of sanction of this Act. Every such claim will be prescribed on the same day as the claim of a right of ownership that it replaces would have been prescribed if it had not been so converted and it will not constitute a real right nor a charge or hypothec in respect of the immoveables or any part thereof.

Coming
into force.

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