



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 269
(Private)

An Act respecting an immovable in the cadastre for the parish of Saint-Joseph-des-Cèdres

Introduction

Introduced by
Mr Serge Marcil
Member for Salaberry-Soulanges

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Bill 269

(Private)

An Act respecting an immovable in the cadastre for the parish of Saint-Joseph-des-Cèdres

WHEREAS, by a deed executed on 8 July 1786 by J. Gabrion and J. Vuatier, royal notaries of the district of Montréal, and registered in 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-de-Soulanges” (translation);

Whereas the immovables are now described as lots 2, 3 and 4 of the cadastre for the parish of Saint-Joseph-des-Cèdres;

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 use it as 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, in the longer term, the *fabrique* is contemplating the disposal of the 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 those clauses from the deed of gift that are reproduced in Schedules A and B are an obstacle to any such sale;

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 it appears that he bequeathed all his immovable property to his nephew, Jacques-Philippe Saveuse de Beaujeu, whereas two descendants of Jacques-Philippe Saveuse de Beaujeu have been located and have renounced any rights they may have in lots 2, 3 and 4 of the cadastre for the parish of Saint-Joseph-des-Cèdres, and whereas in all likelihood there are other descendants of Jacques-Philippe Saveuse de Beaujeu but they cannot be located;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. All obligations, charges or conditions for the use of lots 2, 3 and 4 of the cadastre for the parish of Saint-Joseph-des-Cèdres in accordance with the clauses reproduced in Schedules A and B are hereby annulled.

2. Any right to take back lots 2, 3 and 4 of the cadastre for the parish of Saint-Joseph-des-Cèdres in favour of the assigns of Joseph Dominique Emmanuel Lemoyne 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.

3. The real rights in lots 2, 3 and 4 of the cadastre for the parish of Saint-Joseph-des-Cèdres, annulled by sections 1 and 2, are replaced by personal rights against the *fabrique* of the parish of Saint-Joseph-de-Soulanges.

The personal rights shall have the same value as the value of the real rights they replace immediately prior to (*insert here the date on which this Act comes into force*), and are prescribed by 10 years from (*insert here the date on which this Act comes into force*).

4. Registration of a true copy of this Act is effected by deposit, and the fees payable shall be equivalent to those that would be payable for registration of a judgment ordering cancellation of the registration of the clauses reproduced in Schedules A and B, both clauses being deemed to express the same principal right.

When registering a true copy of this Act, the registrar shall cancel the registration of the clauses reproduced in Schedules A and B.

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

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

“Both for the said church and for himself and the priests or 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 priests 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, then the said Sieur de Longueuil or his heirs and assigns will recover possession of the said parcels of land.” (*translation*)