



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 259

(Private)

An Act respecting the Collège de Saint-Césaire

Introduction

**Introduced by
Mr Jacques Tremblay
Member for Iberville**



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(Private)

An Act respecting the Collège de Saint-Césaire

WHEREAS by a deed of gift dated 11 September 1873 and registered at the registry office of the registration division of Rouville, at Marieville, under number 9176, the Rev. André Provençal, pastor of the parish of Saint-Césaire, gave a parcel of land with the buildings erected thereon to the civil society of the provincial house of the Collège Notre-Dame du Sacré-Coeur, Côte-des-Neiges;

Whereas under the terms of his holograph will dated 25 March 1889, probated on 29 June 1889 and registered at the registry office of the registration division of Rouville under number 20 024, the Rev. André Provençal bequeathed an immovable to the “corporation of my college of Saint-Césaire” [translation];

Whereas by a cadastral notice and a declaration of transmission registered on 14 January 1929 at the registry office of the registration division of Rouville under numbers 50 929 and 50 930, the immovable given in 1873 and that bequeathed in 1889 were designated, respectively, as lot 41 of the cadastre of the incorporated village of Saint-Césaire and the unsubdivided portion of lot 39 of the said cadastre, which unsubdivided portion is now known as lots 17 to 90 of the subdivision of lot 39 of the said cadastre and the lots resulting from the subdivision of certain of the said subdivided lots;

Whereas the immovable given in 1873 and that bequeathed in 1889 were contiguous but there is no certainty as to the exact location of the dividing line;

Whereas the deed of gift of 1873 contains the clause reproduced in Schedule A and the will contains the clause reproduced in Schedule B;

Whereas the Corporation of the Collège de Saint-Césaire is the present owner of lots 17 and 18 of the subdivision of lot 39 and of lot 41, of contiguous immovables and of buildings erected on such immovables and whereas it wishes to dispose of them;

Whereas neither the Roman Catholic Bishop of Saint-Hyacinthe nor the Fabrique of the parish of Saint-Césaire intend to exercise the right of preemption conferred on them by the clause reproduced in Schedule A and whereas both wish to be spared the obligation imposed by that clause in the event of a refusal to exercise the right of preemption, whereby they would be required to “provide the village and the parish of Saint-Césaire with an educational establishment worth three thousand dollars where young people may be provided the above-mentioned benefits” [translation];

Whereas the clause reproduced in Schedule B is an obstacle to the alienation of lots 17 and 18 of the subdivision of lot 39 and may make the title of the assigns of the Corporation of the Collège de Saint-Césaire contestable in respect of lots 19 to 90 of the subdivision of lot 39 and the lots resulting from the subdivision of certain of the said subdivided lots;

Whereas the Roman Catholic Bishop of Saint-Hyacinthe and the Fabrique of the parish of Saint-Césaire agree to the passage of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The clause reproduced in Schedule A that is contained in the deed of gift registered at the registry office of the registration division of Rouville, at Marieville, under number 9176 is hereby cancelled.

2. The clause reproduced in Schedule B that is contained in the will registered at the registry office of the registration division of Rouville, at Marieville, under number 20 024 is hereby cancelled.

3. This Act affects lots 17 to 90 of the subdivision of lot 39 of the cadastre of the incorporated village of Saint-Césaire, the lots resulting from the subdivision of certain of the said subdivided lots, and lot 41 of the said cadastre.

4. Registration of a true copy of this Act shall be made by deposit.

The registrar shall, at the time of the deposit, 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 and 4*)

(5) The said gift is made to allow the said Religieux de Ste-Croix to occupy the said establishment for educational purposes, to make them the actual owners of the establishment and to prevent them from being bothered or troubled by any person in any manner whatever. Should the said Religieux de Ste-Croix wish to sell the parcel of land and dependencies hereby given, they shall be required to give a right of preemption to the Roman Catholic Episcopal Corporation of the diocese of St-Hyacinthe or, in the event of its refusal, to the Oeuvre and Fabrique of the parish of St-Césaire for an amount and on the conditions agreed by them, and the Episcopal Corporation, or the Oeuvre and Fabrique of the parish of St-Césaire, on purchasing the establishment, shall be required to see that young people continue to be provided a commercial education; should neither the Episcopal Corporation nor the Oeuvre and Fabrique of St-Césaire wish to avail themselves of their right of preemption and should the said Religieux de Ste-Croix dispose of the property hereby given in favour of persons other than the Episcopal Corporation or the Oeuvre and Fabrique of St-Césaire, the Religieux de Ste-Croix shall pay a sum of three thousand dollars to be used by the Episcopal Corporation or, in the event of its refusal, by the Oeuvre and Fabrique of St-Césaire to provide the village and the parish of St-Césaire with an educational establishment worth three thousand dollars where young people may be provided the above-mentioned benefits. [Translation].

SCHEDULE B

(*Sections 2 and 4*)

It is understood that I am leaving such legacies to the said Corporation with a view to helping it favour poor children who are talented and provide them with an education, and on condition that the community of the Religieux de Ste-Croix continue to provide a good commercial education at the Collège de St-Césaire, including business courses. [Translation].