



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 245
(Private)

**An Act respecting the Institution
Monseigneur Guay and La
Congrégation des Soeurs de
Notre-Dame du Bon Conseil de
Chicoutimi**

Introduction

Introduced by
Mr Jean Garon
Member for Lévis

Québec Official Publisher
1989

Bill 245

(Private)

An Act respecting the Institution Monseigneur Guay and La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi

WHEREAS, by a notarial deed executed on 29 December 1901 and registered at the registry office of the registration division of Lévis under number 39839, Monsignor Charles Guay transferred to the Institut des Soeurs de Notre-Dame du Bon Conseil, now known as “La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi”, various movable and immovable property described in greater detail in the said deed, as amended by the deed registered at the same registry office under number 79469;

Whereas the deed registered under number 39839 provided that the donee, the Institut, contracted various obligations including the obligations arising from the clauses reproduced in Schedule A and, for the purposes of the performance of such obligations, it was entrusted with various powers including the powers arising from the clause reproduced in Schedule B;

Whereas the deed provided for the opening of a hospital to be known as “Hôpital Guay de St-Joseph de Lévis” and the transfer to a corporation of the rights it conferred on the Institut des Soeurs de Notre-Dame du Bon Conseil and of correlative obligations;

Whereas Monsignor Guay applied for and obtained the passage of the Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118), which Act granted the new corporation, among other powers, the power to acquire immovables other than those that had been transferred to it by the deed registered under number 39839;

Whereas the Hôpital Guay de Saint-Joseph de Lévis, known as the "Institution Monseigneur Guay" from the coming into force of order in council 1065 dated 27 September 1951, maintained, until 1982, a charitable institution on the immovable described in Schedule C, which formed part of one of the immovables transferred by the deed registered under number 39839, and on the immovable described in Schedule D, which had been transferred by persons other than Monsignor Guay;

Whereas La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi not only provided nuns in a sufficient number to manage and operate the Institution Monseigneur Guay, but also provided considerable sums of money to maintain the institution;

Whereas, on 11 February 1987, La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi definitively desisted from maintaining a charitable institution on the premises where the Institution Monseigneur Guay had been maintained;

Whereas the deed registered under number 39839 provided for such an eventuality and, following Monsignor Guay's death in 1922, the applicable clause was that reproduced in Schedule E;

Whereas, on 9 March 1987, the Institution Monseigneur Guay requested that His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called "Archbishop Vachon") take possession of its property in accordance with Schedule E;

Whereas, in pursuance of that clause, the Institution Monseigneur Guay, by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, transferred to Archbishop Vachon its immovable property, to wit, the immovables described in Schedules C and D;

Whereas, in pursuance of that clause, the Institution Monseigneur Guay transferred its movable property to Archbishop Vachon;

Whereas, by a notarial deed executed on 4 March 1977 and registered at the registry office of the registration division of Lévis under number 205313, the Institution Monseigneur Guay transferred to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi various immovables described in Schedule F, including the immovable referred to in paragraph 2 of the said schedule, which

formed part of one of the immovables transferred by the deed registered under number 39839;

Whereas, by a notarial deed executed on 23 May 1980 and registered at the same registry office under number 239490, the Institution Monseigneur Guay transferred to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi the immovable described in Schedule G;

Whereas the deeds registered under numbers 205313 and 239490 state that the transfer is made for "good and valuable considerations" (Translation) but do not specify the nature of such considerations;

Whereas the immovable described in paragraph 2 of Schedule F formed part of the immovable described in paragraph 6 of the description of the immovables transferred by the deed registered under number 39839 and it is not certain, in view of the clause contained in that deed and reproduced in Schedule B, that the Institution Monseigneur Guay had the right to transfer such immovable;

Whereas the Institution Monseigneur Guay no longer has a reason for existence, no longer owns immovable property and has no other movable property than the sums of money which Archbishop Vachon or the Roman Catholic Archbishop of Québec could pay to it for the administration and preservation of its property for the period extending from 9 March 1987 to 18 October 1988;

Whereas the members of the Institution Monseigneur Guay are also members of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi and there would therefore be no inconvenience to the sums of money being paid to the congregation rather than to the Institution Monseigneur Guay;

Whereas no general law provides for a mode of dissolution applicable to the Institution Monseigneur Guay;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The clauses contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedules A and B are hereby cancelled.

2. The Institution Monseigneur Guay is deemed to have performed the obligations imposed on it by the clause reproduced in

Schedule E with respect to the immovables described in Schedules C and D.

The same applies to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the extent that such clause could be interpreted as imposing obligations on the congregation with respect to such immovables.

3. The title of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the immovables transferred by the Institution Monseigneur Guay by way of the deeds registered at the registry office of the registration division of Lévis under numbers 205313 and 239490 and described in Schedules F and G is confirmed to the extent that it was liable to contestation on the ground that the good and valuable considerations mentioned in the deeds may not represent the fair market value of the property transferred.

Furthermore, the title of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the immovable described in paragraph 2 of Schedule F deriving from the deed registered at the registry office of the registration division of Lévis under number 205313 is confirmed to the extent that it was liable to contestation on the grounds that the immovable formed part of the immovable described in paragraph 6 of the description of the transferred immovables contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and that it is questionable, in view of the clause reproduced in Schedule B, that the Institution Monseigneur Guay was authorized to sell it.

4. La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi is subrogated in the right of the Institution Monseigneur Guay to be reimbursed by His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, or by the Roman Catholic Archbishop of Québec, for expenses incurred for the preservation and administration of the property of the Institution Monseigneur Guay for the period extending from 9 March 1987 to 18 October 1988.

5. The Institution Monseigneur Guay, incorporated by the Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118), is hereby dissolved.

6. The Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118) is repealed.

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

On effecting the registration of this Act, the registrar shall cancel the registration of the clauses contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedules A, B and E with respect to the immovable described in paragraph 2 of Schedule F.

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

SCHEDULE A

(*Sections 1 and 7*)

Clauses contained in the deed of transfer between Monsignor Charles Guay, transferor, and the Institut des Soeurs de Notre-Dame du Bon Conseil, transferee, registered at the registry office of the registration division of Lévis under number 39839 (TRANSLATION)

“Such gift is made by the said party of the first part, with the authorization of His Grace the Archbishop of Québec, and is accepted by the said party of the second part, with the authorization of His Grace the Bishop of Chicoutimi, for the establishment of a hospital in St-Joseph de Lévis to shelter the aged or crippled. The charges and conditions attached to the gift and which the party of the second part has promised and undertaken to conform to are the following:

(1) A hospital will be opened in the coming month of April on the immovable described hereinabove in paragraph 1 and will be managed and operated by the party of the second part with a sufficient number of nuns to maintain it. The hospital will bear the name “Hôpital Guay de St-Joseph de Lévis”; it will be known under that name as long as it exists. (...)

(2) The hospital will be established to help the aged and crippled poor of the parish of St-Joseph de Lévis who will be sheltered, fed, supported and treated free of charge, unless they can afford to pay a small amount for room and board.”

SCHEDULE B

(Sections 1, 3 and 7)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839
(TRANSLATION)

“(7) The said party of the second part or the Sisters to be incorporated under the name “Hôpital Guay de St-Joseph de Lévis” shall not sell any of the immovables or movables hereby given, or hypothecate the said immovables to obtain a loan in order to employ the proceeds thereof for purposes other than the purposes specified in this deed. However, they may sell the said immovables and movables and hypothecate the immovables if need be, provided they employ the proceeds of the sales to support the Hospital or to erect new buildings on the piece of land described hereinabove in paragraph 6, which is larger and more appropriate for the establishment of a hospital.”

SCHEDULE C

(Section 2)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of original lot 16 (16-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE D

(Section 2)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of original lot 15 (15-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE E

(Sections 2 and 7)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839
(TRANSLATION)

“(8) (...) However, if Monsignor Charles Guay were dead at that time, all the property would be entrusted to Archbishop L.N. Bégin, Archbishop of Québec, or to his successors who would entrust it to other nuns charged with pursuing the work. If, for the second time, the said hospital did not succeed, all movable and immovable property then forming part thereof would be sold by two persons appointed by the aforementioned Archbishop of Québec or his successors, and the proceeds of the sale would be capitalized and deposited with the Séminaire de Québec, and the annual interest on the capital would be used to support the poor of the parish of St-Joseph de Lévis.”

SCHEDULE F

(Sections 3 and 7)

Description of the immovables of the cadastre for the parish of Saint-Joseph, registration division of Lévis, transferred by the Institution Monseigneur Guay to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi by way of the deed registered at the registry office of the registration division of Lévis under number 205313

(1) Lot 3 of the subdivision of original lot 15 (15-3);

- (2) Lot 3 of the subdivision of original lot 16 (16-3);
- (3) Lot 1 of the subdivision of original lot 33 (33-1);
- (4) Lots 15 and 17 of the subdivision of original lot 36 (36-15 and 36-17);
- (5) Original lots 37 and 38;
- (6) Lot 12 of the subdivision of original lot 39 (39-12);
- (7) Lots 1 and 5 of the subdivision of original lot 40 (40-1 and 40-5);
- (8) Lot 3 of the subdivision of original lot 185 (185-3);
- (9) Original lots 504 and 506;
- (10) Lot 2 of the subdivision of original lot 3 (3-2), lot 1 of the subdivision of original lot 11 (11-1), lot 1 of the subdivision of original lot 15 (15-1) and lot 1 of the subdivision of original lot 16 (16-1), except those portions of such lots which were expropriated by the Roads Department pursuant to the deed registered on 13 September 1963 under number 133436 and those portions which were sold to the Roads Department pursuant to the deed registered on 20 February 1965 under number 138714.

SCHEDULE G

(Section 3)

Description of the immovable of the cadastre for the parish of Saint-Joseph, registration division of Lévis, transferred by the Institution Monseigneur Guay to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi by way of the deed registered at the registry office of the registration division of Lévis under number 239490

Lot 16 of the subdivision of original lot 36 (36-16).