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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 259  
(Private)

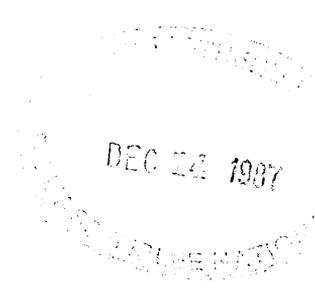
## **An Act respecting certain immovables of the cadastre of the parish of La Malbaie**

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### **Introduction**

Introduced by  
Mr Daniel Bradet  
Member for Charlevoix



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**Bill 259**  
(Private)

**An Act respecting certain immovables  
of the cadastre of the parish  
of La Malbaie**

WHEREAS Donohue Inc. and Donohue Malbaie Inc. are the owners of parts of lots 416, 417, 418 and 419 of the cadastre of the parish of La Malbaie by virtue of various deeds registered at the registry office of the first registration division of Charlevoix at La Malbaie, including the deed registered under number 80170;

Whereas the title to the said immovables is affected by various defects, owing in particular to the fact that certain transfers of ownership were not registered and that the boundaries of some of the said immovables are imprecise;

Whereas one of the said immovables was formerly a street and there is doubt as to the validity of the sale thereof since it was made without the prior authorization of the Commission municipale du Québec and the sale price of one dollar may be considered as a lack of valuable consideration or as a municipal grant;

Whereas Donohue Inc. and Donohue Malbaie Inc. have made inquiries to locate the interested parties other than the town of Clermont but have found only some of them;

Whereas the town of Clermont and the other interested parties that have been located have been informed of the introduction of this Act;

## THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of Donohue Inc. or of Donohue Malbaie Inc. to that part of lot 418 of the cadastre of the parish of La Malbaie which is described in a deed registered under number 50922 at the registry office of the first registration division of Charlevoix at La Malbaie cannot be contested on any of the following grounds:

(a) one of the predecessors, Ludivine Tremblay, the widow of Henri McNicoll referred to as the vendor in a deed registered on 7 February 1949 under number 32598, had no registered title to the said immovable, the previous owner under an official title being Henri McNicoll, entered as owner in the book of reference;

(b) by a deed registered on 28 April 1948 under number 31874, Damase Lajoie purported to have given to Camille Lajoie part of lot 418, which, on the assumption that the measures are accurate, would encroach considerably upon the part of lot sold by Omer Fortin and described in a deed registered under number 50922.

**2.** The title of Donohue Inc. or of Donohue Malbaie Inc. to those parts of lots 416, 417, 418 and 419 of the cadastre of the parish of La Malbaie which are described in a deed registered at the same registry office on 3 April 1968 under number 50959 cannot be contested on any of the following grounds:

(a) the immovables were formerly a street, the deed of sale did not receive the prior authorization of the Commission municipale du Québec and the sale price of one dollar may be considered as a lack of valuable consideration or as a municipal grant;

(b) the town of Clermont, referred to as the vendor in a deed registered under number 50959, does not appear to have been transferred parts of the said former street, namely a road reserved by Isidore Neault in a deed registered at the same registry office under number 17661, a strip of land on the northeast of an immovable described in a deed registered at the registry office under number 59880 of which the former owner under an official title would be Henri McNicoll entered as owner in the book of reference, and a strip of land on the northeast of an immovable described in a deed registered at the same registry office under number 49534 of which the former owner under an official title would be Henri McNicoll.

**3.** The title of Donohue Inc. or of Donohue Malbaie Inc. to that part of lot 417 of the said cadastre which is described in a deed registered at the same registry office on 12 November 1973 under number 59880 cannot be contested on the ground that the immovable had previously been acquired by La Banque Nationale at a judicial sale following a seizure against Antoine Langevin when the owner by registered title was Wilbrod Desbiens, referred to as the purchaser in a deed registered on 19 June 1912 under number 15649.

**4.** The title of Donohue Malbaie Inc. to that part of lot 417 of the said cadastre which is described in a deed registered at the same registry office on 28 April 1967 under number 49628, in which the vendor was Léopold Verreault acting both in his own name and as the tutor of his minor children: Alain, Guy, Marc, Michelle, Yves and Doris Verreault cannot be contested on any of the following grounds:

(a) one of the predecessors of Léopold Verreault, Thaddée Desbiens referred to as the vendor in a deed registered on 21 December 1921 under number 19061 stated, in a deed executed on 12 May 1920 by Louis Adjutor Boulianne, notary, under number 6664 of his minutes, that Dalhia Fortin, his wife under a matrimonial regime of community of property, died on or around 25 April 1918, that she had designated Thaddée Desbiens as her universal legatee by a will made before Louis Adjutor Boulianne, notary, that the succession included part of lot 417, which was not described by metes and bounds in the statement in accordance with article 2168 of the Civil Code but that the said will cannot be found and the said statement was not registered;

(b) no part of lot 417 is mentioned in a deed registered on 21 December 1921 under number 19061 as one of the immovables transferred under the said deed;

(c) the motion to obtain a judgment recognizing the right of ownership acquired by prescription registered at the registry office under number 49891 was served on only some of the interested parties.

**5.** The title of Donohue Malbaie Inc. to those parts of lot 417 of the said cadastre which are described in deeds registered at the registry office between 26 April 1967 and 18 November 1967 under numbers 49598, 49599, 49602, 50279 and 50419 in which the vendors were Cécile Tremblay, Madeleine Tremblay, Honoré Tremblay acting with his wife, Marie-Jeanne Larouche, Germain Tremblay and Joseph Cyrias Armand, *dit* René Bergeron, cannot be contested on the ground that the question as to whether the northwest boundary of one of the immovables is lot 418 or another part of lot 417 remains unsettled, that the immovables are situated southeast of each other, that, consequently, the uncertainty

as to the location of the said boundary affects all the immovables and that, therefore, the predecessor of Donohue Malbaie Inc., Donohue Inc. (then known as La Compagnie Donohue Limitée), the vendor in a deed registered on 31 December 1985 under number 80170 would have no registered title to some of those immovables whose previous owners by registered title would be Jules Pradet, the purchaser in a deed registered on 25 April 1911 under number 15438 and Isidore Neault, the purchaser in a deed registered on 19 January 1912 under number 15658.

**6.** The title of Donohue Malbaie Inc. to that part of lot 417 of the cadastre which is described in a deed registered at the same registry office under number 49598 cannot be contested on the ground that one of the predecessors of the vendor, Cécile Tremblay, was Dérie Desbiens, the widow of Euchère Tremblay, the vendor in a deed registered on 10 August 1920 under number 18413 or that Euchère Tremblay, the purchaser in a deed registered on 5 November 1912 under number 15921, held a registered title but no will, statement or certificate of payment of the succession duties was ever registered in respect of the succession.

**7.** The title of Donohue Inc. to that part of lot 417 of the said cadastre which is described in a deed registered at the same registry office under number 50419 cannot be contested on the ground that the vendor, Joseph-Cyrias-Armand, *dit* René Bergeron, had acquired the immovable from Aurore Pradet by a deed registered at the same registry office under number 36219, that Aurore Pradet was charged with a substitution under the wills of Jules Pradet and Adélaïde Côté, his spouse, registered under numbers 25471 and 25472, respectively, that by a deed registered at the same registry office under number 36218, persons who declared to be the daughters of Aurore Pradet gave their consent to the sale but that doubt subsists as to whether or not Aurore Pradet had other children or grandchildren called to the benefit of the substitution.

**8.** The title of Donohue Inc. or of Donohue Malbaie Inc. to that part of lot 417 of the cadastre which is described in a deed registered at the same registry office on 8 April 1964 under number 49534, in which the vendor was Antoine Pedneault, is deemed to grant to either of those companies, according to the use made of the immovables, the ownership of that part of the said lot which is described in a deed registered on 22 September 1927 under number 21946 and not included in the part of lot described in a deed registered under number 49534, regardless of the place where such part is situated.

**9.** The title of Donohue Inc. or of Donohue Malbaie Inc. to that part of lot 417 which is described in a deed registered under number 21946 at the same registry office cannot be contested on the ground that the person conveying the immovable by exchange under the said deed, Donohue Brothers Limited, held no registered title, the previous owner by official title being Henri McNicoll, entered as owner in the book of reference.

**10.** The title of Donohue Inc. or of Donohue Malbaie Inc. to that part of lot 418 which is described in a deed registered at the same registry office under number 21946 cannot be contested on the ground that Isabelle Thivierge, the widow of Joseph Pedneault, the person conveying the immovable by exchange under the said deed, stated in a declaration of transmission registered on 3 May 1937 under number 25797 that the immovable formed part of the succession of Joseph Pedneault.

**11.** The title of Donohue Malbaie Inc. to those parts of lot 417 which are described in Schedules A and B pursuant to a deed registered under number 80170 at the same registry office cannot be contested on the ground that the vendor in the said deed, Donohue Inc., held no registered title to the immovables, the previous owners by registered title being Léonie Bonneau, the widow of Hector Tremblay, the purchaser under a deed registered on 1 October 1940 under number 27349, in the case of the immovable described in Schedule A, and Cécile Tremblay, the widow of Georges Boivin, the purchaser under a deed registered on 26 September 1945 under number 29849, in the case of the immovable described in Schedule B.

**12.** Donohue Inc. is hereby declared to be the owner of that part of lot 417 which is described in Schedule C, the previous owner by official title being Henri McNicoll, entered as owner in the book of reference.

**13.** Any real right cancelled pursuant to this Act is replaced by a personal right exercisable against Donohue Inc. or Donohue Malbaie Inc., as the case may be.

**14.** The personal rights have a value equal to the value of the real rights they replace immediately before (*insert here the date of coming into force of this Act*), and they are prescribed on the date on which, but for this Act, the real rights would have been prescribed.

**15.** On payment of fees for an amount equal to the amount exigible for the registration of a judgment ordering the cancellation of the registration of real rights, the registrar of the first registration division

of Charlevoix shall write in the margin of each of the deeds registered under numbers 21946, 49534, 49598, 49599, 49602, 49628, 49891, 50279, 50419, 50922, 50959, 59880 and 80170 the words “Confirmed by the Act registered under number       ”.

**16.** Registration of a certified copy of this Act shall be made by deposit.

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

SCHEDULE A  
(*Section 11*)

DESCRIPTION OF PART OF LOT 417 OF THE CADASTRE  
OF THE PARISH OF LA MALBAIE

Part of lot 417 of the cadastre of the parish of La Malbaie belonging to Donohue Malbaie Inc., measuring 60 feet in width by 6 feet in depth, English measure, bounded on the northwest, southeast, northeast and southwest by other parts of the same lot.

SCHEDULE B  
(*Section 11*)

DESCRIPTION OF PART OF LOT 417 OF THE CADASTRE  
OF THE PARISH OF LA MALBAIE

Part of lot 417 of the cadastre of the parish of La Malbaie belonging to Donohue Malbaie Inc., measuring 60 feet in width by 4 feet in depth, English measure, bounded on the northwest, southeast, northeast and southwest by other parts of the same lot.

SCHEDULE C  
(*Section 12*)

DESCRIPTION OF PART OF LOT 417 OF THE CADASTRE  
OF THE PARISH OF LA MALBAIE

Part of lot 417 of the cadastre of the parish of La Malbaie belonging to Donohue Inc., bounded on the northeast by part of lot 417 belonging to Donohue Malbaie Inc., on the southwest by part of lot 417 (formerly Donohue street), on the northwest by part of lot 417 (formerly Rousseau street) and on the southwest by part of lot 417 belonging to Donohue Inc.