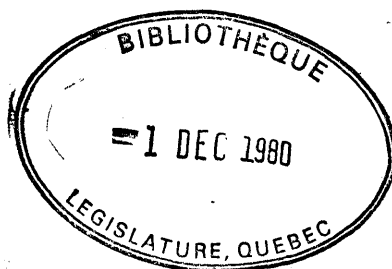


SIXTH SESSION

THIRTY-FIRST LÉGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC



Bill 190

**An Act respecting the Common
of the Seigniorship of Yamaska**

First reading
Second reading
Third reading

M. JEAN-FRANÇOIS BERTRAND

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

Bill 190

An Act respecting the Common of the Seigniory of Yamaska

WHEREAS, on 10 January 1713, seigneur Pierre Petit gave as a common, to the inhabitants of the Seigniory of Yamaska, a certain territory forming part of that seigniory;

Whereas the Gouvernement du Québec wishes to acquire the lots forming part of the Common of Yamaska described in Schedule so as to become the sole and absolute owner of the lots;

Whereas the proprietor of the right of ownership to the soil, sub-soil and accessory rights is unknown and untraceable;

Whereas the lots described in Schedule are acquired in view of establishing a sanctuary for wildlife, especially migratory birds;

Whereas the offer to purchase made by the Gouvernement du Québec has been accepted by a majority of the holders of rights in the common;

Whereas it is expedient to grant the "Chairman and trustees of the common of the Seigniory of Yamaska" the powers necessary to collect and distribute the sums granted for and in the names of the holders of rights in the common;

Whereas the "Act to enable the Inhabitants of the Seigniory of Yamaska to provide for the better regulation of the Common of the said Seigniory" (1823, c. 18) incorporated the "Chairman and trustees of the common of the Seigniory of Yamaska";

Whereas the passing of an act is the only juridical means of obtaining an undisputable title of ownership;

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

1. The "Chairman and trustees of the Common of the Seignior of Yamaska", hereinafter referred to as "the corporation", are authorized to dispose in favour of the Gouvernement du Québec, without any restriction or reserve, in their corporate name (in the place and stead of the holders), the shares and rights of every holder in the common, receive the price therefor, grant and give, upon payment of the amount thereof, valid discharge for the same and grant and sign any deed of transfer.

2. Within ninety days after the coming into force of this act, the corporation shall:

(a) prepare and fill a statement of distribution of the total price, showing the names and addresses of the persons entitled to a fraction of that price;

(b) satisfy itself that the holders of rights establish their titles;

(c) give notice once, in the *Gazette officielle du Québec* and in a daily newspaper circulated in the parish municipality of Saint-Michel d'Yamaska, that such statement has been prepared, filled and deposited in the corporate seat of the corporation where it may be examined by any person interested within ninety days after the last publication of the notice.

3. During the ninety days following the last publication of the notice mentioned in section 2, any person interested may apply to the corporation and request that the statement be reviewed to have his rights taken into account.

The decision of the corporation must be rendered within thirty days, reasons therefor must be given in writing and a copy thereof must be served immediately on the person interested, by registered or certified mail.

4. Within thirty days after the mailing of the decision of the corporation, every interested person may apply to the Superior Court of the district of Richelieu and request that the decision be reviewed.

The court may confirm, quash or amend the decision of the corporation and the judgment is final.

5. If no contestation or request is made in connection with the statement within the period provided in section 3 or, where a review has been requested under section 4, within fifteen days of

the judgment of the court, the corporation may apply to the Superior Court of the district of Richelieu to have the statement homologated, with or without amendment.

The application for homologation must be preceded by a notice, stating the date of its filing, published in a daily newspaper circulated in the parish municipality of Saint-Michel d'Yamaska.

6. The homologated statement is deemed to have been made in accordance with this act and shall be used as the basis for the apportionment and payment provided for in this act.

7. Within sixty days after the homologation of the statement, the corporation shall pay the sums provided for to every holder of rights according to his share.

If a person is unknown or untraceable, the sums shall be deposited in the office of the Minister of Finance, in conformity with section 17 of the Deposit Act (R.S.Q., c. D-5).

8. Every advance paid to the holders of rights before the coming into force of this act is deemed to form an integral part of the statement prepared under section 2.

9. Upon proof deemed sufficient by the Minister of Consumer Affairs, Cooperatives and Financial Institutions that the corporation has no debt or obligation and has disposed of its property, the Minister may declare the corporation dissolved from the publication of a notice in the *Gazette officielle du Québec*.

10. The lots described in Schedule, as well as the subsoil and any related accessory right not yet reserved by the Crown, are deemed to be owned by the Gouvernement du Québec in the same manner as if it had been put in definitive possession.

As soon as this act and Schedule are registered by deposit or memorial the Gouvernement du Québec will be the holder of a definitive and absolute title of ownership.

11. This act comes into force on the day of its sanction.

SCHEDULE

DESCRIPTION OF THE COMMON OF YAMASKA

1. A parcel of land situated in the parish municipality of Saint-Michel d'Yamaska, being original lot number SEVEN HUNDRED AND SIXTY-FOUR (764) of the official cadastre of the parish of Saint-Michel.

Bounded on the east by the Yamaska river, on the west by the Yamaska river.

The area of which being, according to the cadastre, one hundred and thirty square arpents and ninety-seven square rods (130 sq. arp., 97 sq. rods), French measure, the whole thereof as described on 24 February 1976 by Gilles Legault, land-surveyor.

2. A parcel of land situated in the parish municipality of Saint-Michel d'Yamaska, being part of the original lot number SEVEN HUNDRED AND SIXTY-TWO (P. 762) (Common) of the official cadastre of the parish of Saint-Michel.

Bounded on the northwest by lots 762-378 and 762-438 to 762-492, on the southwest by lot 762-496 (street) "chemin du 5^e rang", and by lot 762-492, on the northwest by the cadastre of the parish of Sainte-Anne (county of Richelieu), on the northeast by the cadastre of the parish of Saint-François du Lac, on the east by the Yamaska river, on the southeast by lot 359 (Île du Domaine est), by lot 442 (Île du Domaine ouest), by the little channel, by the clearance and by lots 762-247 to 762-290, on the southwest by lots 762-291 and 762-298 to 762-378.

The area of which being, according to the cadastre, three thousand one hundred and ninety-one square arpents, fourteen square rods and one hundred and thirty-two square feet (3 191 sq. arp., 14 sq. rods and 132 sq. ft.), French measure, the whole thereof as described on 10 February 1976 by Gilles Legault, land-surveyor.