

1984, chapter 78

AN ACT RESPECTING THE FOYER SAINT-JOSEPH DE BEAUHARNOIS

Bill 229

Introduced by Mr Laurent Lavigne, Member for Beauharnois

Introduced: 15 November 1984

Passage in principle: 20 December 1984

Passage: 20 December 1984

Assented to: 21 December 1984

Coming into force: 21 December 1984

Act amended: None





CHAPTER 78

An Act respecting the Foyer Saint-Joseph de Beauharnois

[Assented to 21 December 1984]

Preamble

WHEREAS on 26 August 1861, by a deed registered under number 6518 in the registry office of the registration division of Beauharnois, Louis David Charland, pastor of the parish of Saint-Clément de Beauharnois, gave to the Communauté des Soeurs de la Charité de l'Hôpital Général de Montréal, now called the Grey Nuns of Montréal, a parcel of land described in the schedule and whereas the gift included a road presently without cadastral designation to link the parcel of land to the public thoroughfare;

Whereas the gift was made on condition that the land given be used for the establishment of a "Hospice or hospital to be known under the name of Hospice St-Joseph de Beauharnois intended and effectively used to care for the sick and infirm, particularly those of the parish of St-Clément de Beauharnois,..." (*translation*) and whereas the deed provides that, should the land cease to be used for that purpose, it would revert to the donor and his assigns, subject to the right of the donee community to obtain the reimbursement of "any advance and outlay made by the community for the said establishment and for which it would not have been reimbursed out of the revenues of the said establishment"; (*translation*)

Whereas the Grey Nuns of Montréal incurred major expenses for the enlargement of the establishment and the reconstruction of parts of it destroyed by fire, and whereas the expenses exceed by far the revenue derived from the establishment;

Whereas the pastor, Louis David Charland, deceased on 24 October 1882, settled the disposition of his property upon his death by a will made on 13 November 1879 before G.N. Bisson, notary, under number 6908 of his minutes;

Whereas the will reaffirms the obligation of the Grey Nuns of Montréal to continue the Hospice Saint-Joseph;

Whereas the Grey Nuns of Montréal, who ceased to operate the establishment in 1978, wish to sell the parcel of land described in the schedule and whereas it is expedient to cancel any obligation, charge or condition requiring that the land be used for the purposes of a hospice or hospital;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Cancellation
of obli-
gation

1. Any obligation, charge or condition to use the land described in the schedule “to establish for perpetuity... a hospital or hospice to be known under the name of Hospice St-Joseph de Beauharnois, intended and effectively used to care for the sick and infirm, particularly those of the parish of St-Clément de Beauharnois,...” or “for the exclusive benefit and advantage of the Hospice St-Joseph, the town and the district of Beauharnois” (*translation*), that may arise from the deed of gift registered in the registry office of the registration division of Beauharnois under number 6518, or from the will made on 13 November 1879 before G.N. Bisson, notary, under number 6908 of his minutes, is hereby cancelled.

Cancellation
of regis-
tration

The registration of any obligation, charge or condition stipulated in the deed of gift is cancelled on the deposit of a certified copy of the purview of this Act and schedule.

Claims

2. Should any person or corporation, had section 1 not been passed, have been entitled to claim before the courts any real right to the whole or part of the immovable described in the schedule, his claim is converted into a personal claim against the Grey Nuns of Montréal for an amount equal to the value of that right, computed on the date of the coming into force of this Act.

Prescription

The claim is prescribed by ten years from the coming into force of this Act.

Coming into
force

3. This Act comes into force on 21 December 1984.

SCHEDULE

Description of part of lot 553 of the cadastre of the town of Beauharnois.

Part of lot 553 of the cadastre of the town of Beauharnois, owned by the Grey Nuns of Montréal, of irregular shape and bounded on the southeast, for 99.49 metres, by lot 193 and by a residue of lot 553; on the southwest, for 65.53 metres, by another residue of lot 553; on the northwest, for 38.71 metres, by the Saint-Louis river; on the northeast, for 13.72 metres, by lot 553A; again on the northwest, for 73.15 metres, again by lot 553A; again on the northeast, for 116.13 metres, by lot 192; containing 8 171.48 square metres.