



CHAPTER 100

An Act respecting a property of the Bishop of Gaspé

[Assented to, the 17th of May, 1941]

WHEREAS according to her will passed before Mtre. Preamble.

Alphonse Dumais, notary, on the 21st of May, 1872, a copy of which was registered at Percé on the 15th of May, 1876, (in Register B, Vol. 10, page 18, No. 19), Dame Elisabeth Robin, widow of John LeBoutillier, made the following legacy by clause eleven, to wit:

"I give and bequeath to the *curé* of Douglastown in charge of the Gaspé Mission, or to his successor in office, to hold in trust: a piece of land situated on the north side of the said Gaspé Basin, in the first range of the Township of Gaspé Bay South, bounded in front on the south by Gaspé Basin, in rear on the north by the Northwest Arm of the said Gaspé Basin, on the east by a piece of land belonging to John Short Esquire, and on the west by a piece of land belonging to Joseph Kavanagh, with a house, barn and stables and other dependencies thereon erected, to be handed over to the priest or *curé* to be appointed to reside at Gaspé Basin and to have charge of the said mission; who shall have the enjoyment and possession thereof so long as he resides at the said Gaspé Basin, or to his successor. I intend by this legacy that the said piece of land and dependencies shall serve to aid and assist the priest or *curé* who will reside at the said Basin and there exercise the religious duties as such and not otherwise: upon the charge and subject to the condition that my children may have the enjoyment and possession of the pew which I now occupy in the Catholic Church of the said Gaspé Basin, or of another at the option of my said children. In the event of refusal to accept the above last-mentioned legacy, I intend and desire that

the said property hereinabove bequeathed shall become the property of my two sons Édouard and Horatio Le Boutillier to be divided between them in equal shares." The said piece of land now bears the number eleven of the cadastre for the first range of the village of Gaspé, county of Gaspé;

Whereas it appears that at that time the Gaspé Mission was attached to the Episcopal Corporation of Rimouski and that the *curé* or officiating priest at the time took possession of the said piece of land and the succeeding officiating priests or *curés* in office have benefited thereby so that the conditional legacy in favour of Édouard and Horatio Le Bouteillier remained ineffective;

Whereas the Gaspé Mission was attached to the Diocese of Gaspé in 1922, the year in which such diocese was created, and on the 30th of June, 1928, the title of *curé* of the Parish of *St. Albert de Gaspé* was conferred upon the Bishop of Gaspé who has retained it, although he has a mandatary to represent him in the spiritual administration of that charge;

Whereas the said land is now the property of the Bishop of Gaspé and the two children of the testatrix are dead;

Whereas the clause of the will contains a prohibition to alienate which has become embarrassing inasmuch as such land requires, for its upkeep, expenditures which the Bishop can with difficulty himself assume, so that it is expedient, in order to derive benefit therefrom, to cede lots by lease for a ground rent, by emphyteutic lease or by outright sale;

Whereas in order to allow him to act in this way, it is necessary to declare the Roman Catholic Episcopal Corporation of Gaspé to be absolute owner of such land with the right to dispose thereof as owner;

Whereas emphyteutic leases or sales have been effected by the *curés* at the time or by the Bishop of Gaspé and it is necessary to declare that such deeds shall be as valid as if they had been granted after the passing of this act;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Land declared to be Church property.

1. The piece of land known as number eleven of the plan and book of reference of the cadastre for the first range of the village of Gaspé, county of Gaspé,

is the absolute property of the Roman Catholic Episcopal Corporation of Gaspé which may dispose thereof as it may so desire, notwithstanding the prohibition to alienate contained in the will of Dame Widow John Le Boutillier.

2. The emphyteutic leases and sales which have been effected heretofore by any *curé* or by the Bishop of Gaspé shall have the same validity as if they had been effected after the sanctioning of this act. Emphyteutic leases, etc., validated.

3. This act shall come into force on the day of its sanction. Coming into force.

