

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 94
**AN ACT RESPECTING CERTAIN IMMOVABLES OF THE
CADASTRE OF THE PARISH OF SAINT-CHARLES**

Bill 259

Introduced by Mr Charles Messier, Member for Saint-Hyacinthe

Introduced 20 May 1993

Passage in principle 18 June 1993

Passage 18 June 1993

Assented to 18 June 1993

Coming into force: 18 June 1993

Act amended: None



CHAPTER 94

An Act respecting certain immovables of the cadastre of the parish of Saint-Charles

[Assented to 18 June 1993]

Preamble WHEREAS, by a deed made on 14 February 1742 before royal notaries of the royal jurisdiction of Montréal, notably, C. Porlier, notary, Zacharie-François Hertel gave to the pastor of the parish of Saint-Charles “on the said Richelieu river, in the seigniorship of Saint-François le Neuf” (Translation), an immovable described in greater detail in the said deed, and whereas the said deed was registered at the registry office of the registration division of Saint-Hyacinthe on 14 August 1958, under number 119583;

Whereas it is reasonable to consider that the immovable given by means of the said deed was comprised in the immovable consisting of the undivided portion of lot 92 of the cadastre of the parish of Saint-Charles, lots 1 to 25 of the subdivision of that lot, lots 93 to 96, 194, 250, 289, 359 and 360 of the said cadastre and parts of public roads forming the boundaries of those lots, but whereas some uncertainty remains as to the exact boundaries of the immovable given, particularly for lots 250, 289, 359 and 360;

Whereas the deed of gift contains the following clause: “... which shall belong in perpetuity to the said pastors or missionaries, free of charge, for the use of the missionary or pastor serving in the said parish...” (Translation), and whereas that clause can be interpreted as restricting the power of the donee to dispose of the immovable given;

Whereas, despite the said clause, persons other than the pastor or the fabrique currently possess as owners parts of the aforesaid immovable and whereas public roads have been opened on the immovable;

Whereas it is expedient to cancel the said clause, to validate the deeds that may be incompatible with the said clause, and to authorize the present pastor or his successors to dispose of the immovable given;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Clause
cancelled

1. The clause: "... which shall belong in perpetuity to the said pastors or missionaries, free of charge, for the use of the missionary or pastor serving in the said parish..." (Translation), contained in the deed of gift made on 14 February 1742 before royal notaries of the royal jurisdiction of Montréal, notably, C. Porlier, notary, and registered on 14 August 1958 at the registry office of the registration division of Saint-Hyacinthe, under number 119583, wherein Zacharie-François Hertel was the donor and Michel Gervais was the donee, is hereby cancelled.

Renuncia-
tion

2. At the request of the owners or occupants of all or part of lots 93 to 96, 250, 289, 359 and 360 of the cadastre of the parish of Saint-Charles, the pastor of the parish of Saint-Charles-sur-Richelieu and his successors in that office are authorized to renounce all their rights in the immovables constituted by all or part of those lots which may derive from the deed referred to in section 1 and, more particularly, from the clause cancelled by the said section.

Renuncia-
tion

They may also renounce their rights in such parts of public roads forming the boundaries of lots 93 to 96, 250, 289, 359 and 360 of the cadastre of the parish of Saint-Charles as are situated in the extension of the dividing lines of those lots.

Disposition

3. The pastor of the parish of Saint-Charles-sur-Richelieu and his successors in that office are authorized to dispose of all or part of the undivided portion of lot 92 of the cadastre of the parish of Saint-Charles, lots 1 to 25 of the subdivision of that lot, and lot 194 of the said cadastre.

Proceeds

The proceeds of such disposition shall be paid into a special fund to be used only by the fabrique for its own purposes and in accordance with the Act respecting fabriques (R.S.Q., chapter F-1).

Assignment

In the year following 18 June 1993, the pastor shall assign to the fabrique those parts of the undivided portion of lot 92 of the cadastre of the parish of Saint-Charles which, on that date, are in use as a presbytery or cemetery.

Registration

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

Index of
immovables

An entry of such registration shall be made in the index of immovables for the following lots of the cadastre of the parish of Saint-Charles:

(a) lot 92, excluding lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of the subdivision of that lot;

(b) lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of the subdivision of lot 92;

(c) lot 194.

Coming into
force

5. This Act comes into force on 18 June 1993.