



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 238

(Private)

**An Act respecting certain
acquisitions by the
Sainte-Marguerite Salmon
Club and by the Club de pêche
Sainte-Marguerite**

Introduced 11 May 1995**Passage in principle 5 December 1995****Passage 5 December 1995****Assented to 7 December 1995**

**Québec Official Publisher
1995**

Bill 238

(Private)

An Act respecting certain acquisitions by the Sainte-Marguerite Salmon Club and by the Club de pêche Sainte-Marguerite

WHEREAS the “Sainte-Marguerite Salmon Club” was incorporated by chapter 70 of the statutes of 1886, which came into force on 21 June 1886;

Whereas, in the French text, paragraph 4 of section 2 of the said Act read as follows: “D’acquérir de temps à autre et de posséder, avec l’approbation du lieutenant-gouverneur en conseil, telles autres propriétés foncières que pourront exiger les besoins du club;”, the corresponding provision of the English text giving the club the power: “To acquire from time to time, and hold, with the approval of the Lieutenant-Governor in Council, such other real estate as the wants of the club may require;”;

Whereas, thereafter, the Sainte-Marguerite Salmon Club became the owner of various immovables by concession from the Government or by purchase from the owner but did not solicit the approval of the Lieutenant-Governor in Council in the weeks or months following the acquisitions;

Whereas, on 5 July 1950, the Sainte-Marguerite Salmon Club filed with the Lieutenant-Governor in Council a petition having as its object the approval of certain acts of acquisition of immovables, whereas following such petition the Government made Order in Council 810 dated 12 July 1950 purporting to validate the possession of the real estate already acquired by the corporation and described in the petition filed in record 5319/50 of the Department of the Attorney-General, and whereas that record cannot be located;

Whereas the name “Sainte-Marguerite Salmon Club” was replaced by “Club de pêche Sainte-Marguerite” and then by “Corporation de pêche Ste-Marguerite Inc.”;

Whereas the Corporation de pêche Ste-Marguerite Inc. claims to have located in its records a copy of the petition it filed in 1950, whereas it gave access to that document to the Minister of Justice, whereas in all likelihood the document is indeed a copy of the petition filed in 1950, and whereas a list of the acts mentioned in the document is given in Schedule A;

Whereas the Club de pêche Sainte-Marguerite became the owner of various immovables in 1974 and in 1987, by the acts mentioned in Schedule B, but did not submit those acts to the Government for approval in the following weeks or months;

Whereas the expression “real estate” in the English text of paragraph 4 of section 2 of chapter 70 of the statutes of 1886 has a general meaning and whereas it is possible that the expression could be seen to cover acts whereby the Sainte-Marguerite Salmon Club, under whichever name it bore, acquired an immovable real right other than ownership, for example, a servitude in favour of one of its immovables on a neighbouring immovable;

Whereas, however, although it is relatively frequent that private Acts constituting legal persons have limited the value of or the annual income from immovables which those legal persons could acquire, or have subjected the acquisition of immovables by those legal persons to the authorization of the Lieutenant-Governor in Council or of the Government, no case would appear to exist in which a private Act constituting a legal person has required that the acquisition by the legal person of immovable real rights other than ownership and in particular, servitudes, be subject to the authorization of the Lieutenant-Governor in Council or of the Government;

Whereas in public Acts currently in force, no provisions would appear to exist requiring legal persons or certain of them to obtain the approval of the Government to acquire by agreement immovable real rights other than ownership and in particular, servitudes, and whereas in all likelihood the same was true in 1886;

Whereas it is therefore probable that, when in force, paragraph 4 of section 2 of chapter 70 of the statutes of 1886 was construed to apply solely to the acts whereby the Sainte-Marguerite Salmon Club, under whichever name it bore, acquired ownership of

immovables and not to the acts whereby it acquired immovable real rights other than ownership and in particular, servitudes;

Whereas section 2 of chapter 70 of the statutes of 1886 was replaced by section 1 of chapter 109 of the statutes of 1991, whereas the new section 2 does not contain any provision requiring the Corporation to obtain the approval of the Government to acquire immovables, whereas chapter 109 of the statutes of 1991 came into force on 12 December 1991, and whereas owing to the Government not having power over acquisitions of immovables by the Corporation de pêche Ste-Marguerite Inc., it is doubtful whether the Government could now approve acquisitions of immovables made by that legal person, under whichever name it bore, between 21 June 1886 and 11 December 1991;

Whereas the Government of Québec intends to acquire from the Corporation de pêche Ste-Marguerite Inc. certain of the immovables referred to in this Act in connection with the establishment of the Parc marin du Saguenay, and whereas it is advisable that the defects in title affecting those immovables be corrected;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The acts mentioned in Schedule A or B may not be annulled on the ground that they were not approved by the Lieutenant-Governor in Council or by the Government.

2. Between 21 June 1886 and 11 December 1991, paragraph 4 of section 2 of chapter 70 of the statutes of 1886 did not require the Sainte-Marguerite Salmon Club, under whichever name it bore, to submit the acts whereby it acquired immovable real rights other than ownership and in particular, servitudes, to the Lieutenant-Governor in Council or to the Government for approval.

3. Publication of this Act at the registry office of the registration division of Saguenay is effected by the filing of a true copy of the said document with a notice containing the description of the immovables assigned to the Sainte-Marguerite Salmon Club by the acts mentioned in Schedule A and of those assigned to the Club de pêche Sainte-Marguerite by the acts mentioned in Schedule B.

4. This Act comes into force on 7 December 1995.

SCHEDULE A
(Sections 1 and 3)

Acts mentioned in the copy kept by
the Corporation de pêche Ste-Marguerite Inc.
of the petition filed on 5 July 1950
by the Sainte-Marguerite Salmon Club

Date of act	Assignor	Registration number at the registry office of the registration division of Saguenay
18 April 1907	Government of Québec	—
18 August 1917	Walter M. Brackett	2483
5 October 1939	Solitude Salmon Club	8386 corrected by the act registered under No. 8410
12 September 1940	Louis Durand	8634
12 September 1940	Pierre Savard	8635
12 September 1940	Léon Dufour	8636
12 September 1940	Raoul Gauthier	8637
16 September 1940	David Durand	8644
3 October 1942	Louis Gravel	9108
3 October 1942	Omer Gauthier	9110

SCHEDULE B
(Sections 1 and 3)

Acts signed in 1974 or 1987

Date	Assignor	Registration number at the registry office of the registration division of Saguenay
17 June 1974	J. Rodolphe Théberge	81827
11 May 1987	Rénald Béchard	144897

