



CHAPTER 129

An Act to confirm the title to certain lots in the Parish of Lachine

[Assented to, the 17th of May, 1940]

WHEREAS The St. Paul Land Company Limited, Preamble.
a body duly incorporated and having its head
office in the city of Montreal, has by its petition re-
presented:

That on the 27th day of July, 1906, by deed of sale passed before E. R. Decary, notary, registered under No. 124885, it acquired from Walter R. Baker et al., trustees, the land then described as lots numbers one thousand and fourteen, one thousand and seventeen, one thousand and nineteen and one thousand and twenty (lots 1014, 1017, 1019, 1020) on the official plan and book of reference of the parish of Lachine;

That the said lots were at one time owned by the late Maximilian Thierry who was in community of property with his wife;

That the said lots did not fall into such community because they belonged to the said late Maximilian Thierry and were in his legal possession previously to his marriage or fell to him subsequently by succession or equivalent title. (Article 1273 C.C.);

That the said lots were nevertheless treated as forming part of such community of property and, following the death of the said late Maximilian Thierry on or about the 7th day of June, 1902, the succession duties act of the Province of Quebec, being then 55-56 Victoria, chapter 17, as amended, was complied with only in respect of one undivided half of said lots instead of in respect of the whole of said lots;

That the said act and the later succession duty acts replacing it provided that no transfer of the properties of any estate or succession shall be valid, nor shall any title vest in any person if the taxes payable under such acts have not been paid and that no executor, trustee, administrator, curator, heir or legatee shall consent to any transfers or payments of legacies unless the said duties have been paid;

That notwithstanding the provisions of the said acts and that duties had been paid only in respect of one undivided half of the said lots, Donald Thierry, one of the seven universal legatees of the said late Maximilian Thierry, by deed of sale passed before W. F. Lighthall, notary, on the 6th day of December, 1904, registered under No. 110741, sold to his brother Matthew C. Thierry, another of the said universal legatees, all his share in said lots, namely, one undivided seventh thereof, and by further deed of sale passed before the said E. R. Decary, notary, on the 23rd day of January, 1906, registered under No. 119852, the said Matthew C. Thierry, Dame Caroline Thierry, wife of Malcolm Hodge, Maximilian Thierry, Dame Amelia Thierry, wife of John Waters, and the said John Waters acting personally as well as to authorize his said wife, William Thierry, Dame Elizabeth Thierry, wife of Hugh McColl, and the said Hugh McColl acting personally as well as to authorize his said wife, these persons, other than the said Malcolm Hodge, John Waters and Hugh McColl, being with the said Donald Thierry all the universal legatees of the said late Maximilian Thierry, sold the whole of said lots to Walter R. Baker et al., trustees;

That since the execution of the two deeds of sale aforesaid the requirements of the succession duty acts have been complied with in respect of the whole of said lots;

That doubts have arisen as to the validity of the said deeds of sale and consequently as to the title derived by the said The St. Paul Land Company Limited to the said lots;

That it is expedient to remove the said doubts;

Whereas it is expedient to grant such prayer;

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

1. The deed of sale passed before W. F. Lighthall, notary, on the 6th day of December, 1904, registered under No. 110741, from Donald Thierry to Matthew C. Thierry of one undivided seventh of the land then known as lots numbers one thousand and fourteen, one thousand and seventeen, one thousand and nineteen, and one thousand and twenty (lots 1014, 1017, 1019, 1020) on the official plan and book of reference of the parish of Lachine, and the deed of sale passed before E. R. Décary, notary, on the 23rd day of January, 1906, registered under No. 119852, from Matthew C. Thierry, Dame Caroline Thierry, wife of Malcolm Hodge, Maximilian Thierry, Dame Amelia Thierry, wife of John Waters, and the said John Waters acting personally as well as to authorize his said wife, William Thierry, Elizabeth Thierry, wife of Hugh McColl, and the said Hugh McColl acting personally as well as to authorize his said wife, to Walter R. Baker, et al., trustees, of the whole of said lots, are ratified, validated and confirmed with effect from the respective dates of execution of the said deeds of sale; provided, however, that this act shall not cover any defects in title or causes of nullity other than those resulting from the failure to comply with the laws of the Province relating to succession duties.

Deeds of sale
ratified, etc.

Proviso.

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

Coming into
force.

