



CHAPTER 149

An Act to ratify and validate the title of Louis Philippe Lafond, respecting the ownership of a certain lot situate in the city of Drummondville, county of Drummond

[Assented to, the 17th of May, 1937]

WHEREAS Louis Philippe Lafond, merchant, of Preamble.
the city of Drummondville, district of Arthabaska,
has, by his petition, represented:

That he acquired a lot situate on the southwest side of Hériot street, in the city of Drummondville, bounded in front on the northeast by said Hériot street, in depth on the southwest by Brock street, on one side on the northwest by John Marier and on the other side on the southwest by lots Nos. 44 and 45 of the west ward of the said city, the said lot as above described forming part of lot No. 46 (pt. No. 46) on the official plan and book of reference of the west ward of the city of Drummondville, the whole under a deed of sale by Walter A. Moisan, notary, of Drummondville, granted to the petitioner on the 30th of July, 1936, passed before Notary F. H. Robins, under No. 3506 of the minutes of the said notary and registered on the 12th of August, 1936, at the registry office for the county of Drummond, under No. 76567 B 89;

That the petitioner, wishing to dispose of the said immovable, has a purchaser who refuses, however, to pass a contract until the petitioner's title to the ownership of the said immovable is cleared from any defect which may affect it and until the petitioner is in a position to grant him an absolute right to the ownership of such immovable;

That one of the petitioner's *auteurs*, Dame Florida Gauthier, acquired the said immoveable by will of her father, Victor Gauthier, passed before Notary W. A. Moisan, at Drummondville, on the 15th of March, 1906, appointing her universal legatee of the said Victor Gauthier;

That the said will contained a clause that all of the moveable and immoveable property thus bequeathed to Dame Florida Gauthier would be untransferable and not attachable by the creditors of the said universal legatee;

That doubt has been raised as to whether such clause in the will entails a prohibition to alienate, constituting a right of reversion in favour of the maker, the testator, and his heirs, or perhaps a right of substitution;

That doubt has also been raised that the title of Victor Gauthier himself who had acquired the said immoveable from his daughter, Florida Gauthier, who had become possessor thereof after the failure of the wife separated as to property of the said Victor Gauthier, Dame Elmire Emond, formerly owner of such immoveable, may be affected by a defect as constituting a presumable or possible sale between husband and wife through interposed parties;

That, however, to remove any doubt as to the validity of his title to the ownership of the said immoveable and of the title which he may himself grant, the petitioner prays for the passing of an act for the purpose of correcting any existing or apparent defect in his title, for the purpose of confirming and validating the petitioner's title and of enacting that the petitioner, on the 30th of July, 1936, at the time of the passing of the aforesaid deed of sale, became absolute owner of the said immoveable, free from any right of reversion, substitution or any rights whatsoever in favour of any person whomsoever, which might result from the terms of the will of the late Victor Gauthier, made on the 15th of March, 1906, before W. A. Moisan, notary, and registered under No. 51805 B67 in the registry office for the county of Drummond;

Whereas a prayer to that effect is contained in the said petition;

Whereas the petitioner has also, by his petition, represented that the said Dame Elmire Emond pre-

deceased her husband, the said Victor Gauthier; that the latter died without leaving children other than the said Dame Florida Gauthier, whom he instituted as his universal legatee under the aforementioned will, and having no other grandchildren than the daughter and the son of Dame Florida Gauthier, Rita and Gaston, aged respectively twenty-six and twenty-two years, who have confirmed and ratified the sale of the said immoveable made by their mother, Dame Florida Gauthier, to Joseph Lepage, on the 27th of March, 1925, before Notary W. A. Moisan, and renounced all rights whatsoever which they might have in or upon the said immoveable, which might come to them under the will of the said Victor Gauthier; and

Whereas it is expedient to grant the petitioner's 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 granted by Notary Walter A. Moisan, of the city of Drummondville, to Louis Philippe Lafond, merchant, of the same place, on the 30th of July, 1936, before Notary Fred H. Robins, under No. 3506 of the minutes of the latter and duly registered on the 12th of August, 1936, at the registry office of the county of Drummond, under No. 76567 B 89, whereby the said Louis Philippe Lafond acquired the immoveable known and described as follows: A lot situate on the southwest side of Hériot street, in the city of Drummondville, bounded in front on the northeast by said Hériot street, in depth on the southwest by Brock street, on one side on the northwest by John Marier and on the other side on the southwest by lots Nos. 44 and 45 of the west ward of the said city, the said lot as above described forming part of lot No. 46 (pt. No. 46) on the official plan and book of reference of the west ward of the city of Drummondville, is hereby confirmed, ratified and declared valid for all legal purposes. Validating of certain deed of sale.

2. The said Louis Philippe Lafond became, on the 30th of July, 1936, at the passing of the aforesaid deed of sale, absolute owner of the above-mentioned immoveable freed from any right of reversion, from any substitution or from any rights whatsoever in favour of any Effect of such deed.

person whomsoever, which may result from the terms of the will of the late Victor Gauthier, made on the 15th of March, 1906, before Notary W. A. Moisan, and registered under No. 51805 B67 in the registry office for the county of Drummond.

Coming into
force.

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