



CHAPTER 149

An Act respecting the title of the Royal Trust Company to certain land in the city of Montreal

[Assented to, the 6th of March, 1935]

WHEREAS the Royal Trust Company, a body politic Preamble. and corporate, duly incorporated and having its principal place of business for the Province of Quebec, in the city of Montreal, district of Montreal, at No. 105 St. James Street West, has, by its petition, represented:

That, on the 17th day of February, 1919, by deed of sale and conveyance registered under No. 373553 and passed before E. W. H. Phillips, notary public, it has acquired, amongst others, from John J. C. Ward and Charles I. Root the lots hereinunder described, that is to say:

"1. A certain piece of land or emplacement situate in that part of the said city of Montreal, heretofore the town of St. Cunegonde, bounded on the northwest side by St. Cunegonde street (formerly William street), on the northeast side by Charlevoix street (formerly Napoleon road, or Bridge street), on the southeast side by Tracy street (formerly Canal street) and on the southwest side by Levis street (formerly Mill street) and composed of the following pieces of land, to wit:

"(a) Cadastral lots Nos. two thousand three hundred and fifteen, two thousand three hundred and sixteen, two thousand three hundred and seventeen, two thousand three hundred and eighteen, two thousand three hundred and nineteen and two thousand three hundred and twenty (2315, 2316, 2317, 2318, 2319 and 2320) on the official plan and in the book of reference for the municipality of the parish of Montreal, formerly known as lots Nos. one hundred and seventy-eight, one hundred and seventy-nine, one

hundred and eighty, one hundred and eighty-one, one hundred and eighty-two and one hundred and eighty-three (178, 179, 180, 181, 182 and 183) in block No. seventeen on the plan referred to in the deed of sale of said lots to the late Honourable James K. Ward from the Honourable Thomas Ryan *et al.*, passed before J. S. Hunter, notary, on the 12th day of September, 1871, and registered in the then registry office for Montreal on the 11th day of October of the same year under No. 64304; all said lots measuring one hundred feet in depth by thirty feet in width except said cadastral lot No. two thousand three hundred and seventeen (2317), which measures twenty-seven feet in width, all English measure and more or less.

“(b) Cadastral lots Nos. two thousand three hundred and twenty-one, two thousand three hundred and twenty-two, two thousand three hundred and twenty-three, two thousand three hundred and twenty-four, two thousand three hundred and twenty-five and two thousand three hundred and twenty-six (2321, 2322, 2323, 2324, 2325 and 2326) on the said official plan, formerly known as lots Nos. one hundred and seventy-seven, one hundred and seventy-six, one hundred and seventy-five, one hundred and seventy-four, one hundred and seventy-three and one hundred and seventy-two (177, 176, 175, 174, 173 and 172) in block No. sixteen on the plan referred to in the deed of sale of said lots to the said late Honourable James K. Ward from the Honourable Thomas Ryan *et al.*, passed before J. S. Hunter, notary, on the 16th day of April, 1872, and registered in the then registry office for Montreal on the 26th day of May of the same year under No. 67499; all said lots measuring one hundred feet in depth by thirty feet in width except said cadastral lot No. two thousand three hundred and twenty-four (2324) which measures twenty-seven feet in width, English measure and more or less.

“(c) Six lots of land fronting on said St. Cunegonde street, comprising the whole of the cadastral lots heretofore known as Nos. two thousand three hundred and twenty seven to two thousand three hundred and thirty-two (2327 to 2332), both inclusive, and now properly known as official subdivisions Nos. one and two of cadastral lot No. two thousand three hundred and twenty-seven (2327-1 and -2), official subdivisions Nos. one and two of cadastral lot No. two thousand three hundred and twenty-eight (2328-1 and -2), official subdivisions Nos. one, two, three, four, five and six of cadastral lot No. two thousand three hundred and twenty-nine (2329-1-2-3-4-5-6), official subdivisions Nos.

one, two, three and four of cadastral lot No. two thousand three hundred and thirty (2330-1-2-3-4), official subdivisions Nos. one, two, three and four of cadastral lot No. two thousand three hundred and thirty-one (2331-1-2-3-4), and official subdivisions Nos. one, two, three and four of cadastral lot No. two thousand three hundred and thirty-two (2332-1-2-3-4), all on said official plan. Each of said cadastral lots Nos. two thousand three hundred and twenty-seven to two thousand three hundred and thirty-two (2327 to 2332), both inclusive, measuring thirty feet in width by one hundred feet in depth, English measure and more or less.

“(d) Six lots of land fronting on said Tracy street comprising the whole of the cadastral lots heretofore known as Nos. two thousand three hundred and nine to two thousand three hundred and fourteen (2309 to 2314), both inclusive, and now known as official subdivisions Nos. one, two, three and four of cadastral lot No. two thousand three hundred and nine (2309-1-2-3 and -4), official subdivisions Nos. one, two, three and four of cadastral lot No. two thousand three hundred and ten (2310-1-2-3 and -4), official subdivisions Nos. one, two, three and four of cadastral lot No. two thousand three hundred and eleven (2311-1-2-3-4), official subdivisions Nos. one, two, three, four, five and six of cadastral lot No. two thousand three hundred and twelve (2312-1-2-3-4-5 and -6), official subdivisions Nos. one and two of cadastral lot No. two thousand three hundred and thirteen (2313-1 and -2), and official subdivisions Nos. one and two of cadastral lot No. two thousand three hundred and fourteen (2314-1-2); all on said official plan. Each of said cadastral lots Nos. two thousand three hundred and nine to two thousand three hundred and fourteen (2309 to 2314), both inclusive, measuring thirty feet in width by one hundred feet in depth, English measure and more or less.

“The said cadastral lots Nos. 2327 to 2332 and 2309 to 2314 having been purchased by the said late Honourable James K. Ward from James H. Redfern, under deed of sale passed before R. A. Dunton, notary, on the 28th day of December, 1905, and registered in the registry office for Hochelaga and Jacques Cartier on the 23rd day of January, 1906, under No. 119737, by which the Honourable James K. Ward acquired said Redfern’s rights in the proposed lane hereinafter referred to.

“(e) A certain strip of land fifteen feet wide, bearing no cadastral number, bounded at the northeast end by said Charlevoix street, at the southwest end by said Levis

street, on the northwest side by cadastral lots fronting on said St. Cunegonde street, and on the southeast by said cadastral lots fronting on said Tracy street, which piece of land was proposed to be used as a lane but was never used as such and has been used by the said late Honourable James K. Ward and his *auteurs* as their own property for over thirty years”;

That the lots of land above described form a block covering all the quadrilateral comprised between St. Cunegonde street to the north, Charleboix street to the east, Tracy street to the south and Levis street to the west, in the city of Montreal;

That the deed of sale and conveyance above mentioned give to the said Royal Trust Company an absolute right of ownership to all the lots comprised in this quadrilateral, including to that certain strip of land fifteen feet wide, which was proposed to be used as a lane and which is more specifically described in paragraph *e* aforementioned;

That in the deed of sale above mentioned, it is stated, amongst others, that the said piece of land referred to in the preceding paragraph was proposed to be used as a lane, but was never used as such and has been used by the said late Honourable James K. Ward and his *auteurs* as their own property for over thirty years;

That the said John J. C. Ward and Charles I. Root had acquired the above-mentioned lots from the Honourable James K. Ward by deed of sale dated the 22nd day of February, 1909, and passed at Montreal before E. W. H. Phillips, notary public, and registered under No. 154467;

That in the last mentioned deed of sale, it is stated, amongst others, that that certain strip of land fifteen feet wide and which is more specifically described in paragraph *e* “was proposed to be used as a lane, but was never used as such and has been used by the said vendor (the Honourable James K. Ward) and his *auteurs* as their own property for over thirty years”;

That the Honourable James K. Ward had acquired the lots bearing Nos. 2327 to 2332 and all subdivisions thereof and lots Nos. 2309 to 2314 and subdivisions thereof from James H. Redfern, by deed of sale passed at Montreal on the 28th day of December, 1905, before R. A. Dunton, notary public, and registered under No. 119737;

That, in the last mentioned deed of sale, it is provided, amongst others, that “the said vendor (James H. Redfern) also sells, cedes and conveys to said purchaser (the Honourable James K. Ward) all rights of every description, in-

cluding any and all rights of ownership which he may have in and to that portion of the lane situate between the two blocks of land described in the preceding paragraph, also relinquishing in favour of said purchaser any right of passage, ingress and egress that he may have in, over and upon the remainder of said lane extending from the portion above described to Levis street, where the same is bounded on both sides and enclosed by the lands of said purchaser; the said vendor hereby declaring that said lane, which is that certain strip of land more specifically described in paragraph *e*, has been closed for upwards of thirty years and occupied as private property and here consents to the same being closed and retained by said purchaser in full ownership, as his private property”;

That the Honourable James K. Ward had acquired the lots bearing Nos. 2315 to 2326 from the Honourable Thomas Ryan, Hugh Allan and Peter Redpath, acting in virtue of a certain deed of trust hereinafter referred to, by deed of sale passed at Montreal on the 3rd day of February, 1870, before J. S. Hunter, notary public, and registered under No. 57112;

That James H. Redfern had acquired lots Nos. 2309 to 2314 from the Honourable Thomas Ryan, Hugh Allan and Peter Redpath, acting as above mentioned, by a deed of sale passed at Montreal, on the 16th day of April, 1872, before J. S. Hunter, notary public, registered under No. 67328; and lots Nos. 2327 to 2332, by deed of sale passed at Montreal, on the 12th day of June, 1888, before Messrs. Cushing & Dunton, notaries public, and registered under No. 26070, from Dame James Clucas, widow of the late George Quiggin who had acquired the said lots from the Honourable Thomas Ryan, Hugh Allan and Peter Redpath, acting as above mentioned, by deed of sale duly executed before J. S. Hunter, notary public, dated the 16th day of April, 1872, and registered under No. 67344;

That, by the terms of the deed of sale from the Honourable Thomas Ryan *et al.*, to the Honourable James K. Ward, dated the 3rd day of February, 1870, and of the deed of sale from the Honourable Thomas Ryan *et al.* to James H. Redfern, dated the 16th day of April, 1872, and of the deed of sale from Thomas Ryan *et al.* to George Quiggin, dated the 16th of April, 1872, and of the deed of sale from Dame James Clucas to James H. Redfern, dated the 12th of June, 1888, the vendors granted to the purchasers a right of ingress and egress at all times by and through the lane, in rear, in common with other proprietors;

That the property and the ownership of the lots forming the quadrilateral above described and including that certain strip of land or lane more particularly described in paragraph *e* was vested, by deed of trust, dated the 31st day of August, 1868, passed before J. S. Hunter, N.P., and registered under No. 51685, in the Honourable Thomas Ryan, Hugh Allan and Peter Redpath in trust, for themselves and the following joint owners of the property: Charles F. Brydges, John Redpath, Donald Lorne McDougall, Thomas Davidson, Thomas Reynold, Henry Hogan, William Dow, William McNaughton, the Honourable Alexander Tillock Gault, James Hodges, Casimir S. Gzowski, the Honourable David L. MacPherson, and was then known as the "Brewster Property", was not subdivided into several lots and was not separated by a lane;

That the Honourable Thomas Ryan *et al.*, when vested of the above property, as above mentioned, subdivided it into many lots, in view of facilitating the sale of said property, and separated the said property by that certain strip of land more particularly described in paragraph *e* and granted a right of passage over that certain strip of land to the purchasers, having evidently only in view the utility that the various purchasers of the lots would derive therefrom, but that the lane included in said quadrilateral has always been considered and used as private property and has never been opened to the public;

That when the Honourable James K. Ward and James H. Redfern became owners, by virtue of the deeds of sale passed respectively in 1870, 1872 and 1888, of all the quadrilateral above described, no other person had any interest that the piece of land described more particularly in paragraph *e* be left as a lane;

That the said piece of land more particularly described in paragraph *e* has been used as private property, as appears from the various deeds above mentioned, since over sixty years and it is only recently that doubts have arisen as to the right of your humble petitioner, the Royal Trust Company, to sell the above-mentioned piece of land and give clear title thereof;

That there then remains no means for the Royal Trust Company to complete and validate its title to the said lane, or strip of land, except by applying to the heirs, legatees, executors, representatives or *ayants cause* of the Honourable Thomas Ryan, Hugh Allan, Peter Redpath and others mentioned in the deed of trust above referred to and dated the 31st day of August, 1868, and it has not been possible

to locate and trace the above-mentioned persons in sufficient number to give a clear and valid title to your petitioner;

That there exists absolutely no means of regularizing this situation except the passing of an act to that effect;

That no person could suffer any damage or prejudice through the fact that by the present petition, the title of the Royal Trust Company to the lot described more particularly in paragraph *e* be declared good and valid;

That the Royal Trust Company desires to have its titles to the lot more particularly described in paragraph *e* regularized, validated and confirmed for all legal purposes;

And whereas, under the circumstances, it is expedient to grant its 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 entered into by the Royal Trust Company with John J. C. Ward and Charles I. Root, before E. W. H. Phillips, on the 17th day of February, 1919, and registered under No. 373553, inasmuch as it purports to transfer the ownership and property of that certain strip of land more particularly described in paragraph *e* of said deed of sale, is ratified, confirmed and declared to be legal and valid as regards the right of ownership of the vendors. Validation of certain deed of sale.

2. The Royal Trust Company is by the present act declared owner of "a certain strip of land fifteen feet wide, bearing no cadastral number, bounded at the northeast end by said Charlevoix street, at the southwest end by said Levis street, on the northwest side by cadastral lots fronting on said St. Cunegonde street and bearing Nos. 2321 to 2332 and all subdivisions thereof on the official plan and in the book of reference of the parish of Montreal, and on the southeast side by said cadastral lots fronting on said Tracy street and bearing Nos. 2320 to 2309 and all subdivisions thereof, on the official plan and in the book of reference of the parish of Montreal". Royal Trust Company declared owner of certain strip of land.

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