



CHAPTER 166

An Act to validate certain titles of Dame Rose Cardinal-Painchaud and Armand Cardinal

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

WHEREAS Dame Rose Cardinal, of the city and district of Montreal, wife contractually separate as to property of Louis Philippe Painchaud, merchant, of the same place, and by the latter duly authorized for the purposes hereof, and Armand Cardinal, dental surgeon, of the city and district of Montreal, have, by their petition represented: Preamble.

1. That Dame Rose Cardinal-Painchaud is owner of the immoveables bearing Nos. 283-4 and 280-153 of the official plan and book of reference of the parish of St. Joachim de Chateauguay;

2. That Armand Cardinal is owner of the immoveables bearing Nos. 283-2, 283-3, 280-151, 280-152, 280-154, 280-155, 280-156 of the official plan and book of reference of the parish of St. Joachim de Chateauguay;

3. That by their chain of titles, the said Dame Rose Cardinal-Painchaud and the said Armand Cardinal date back to a common *auteur*, Adélard Cardinal, who was owner of the entirety of the original lot 283 and of a certain part of the lot original No. 280 of the said cadastre;

4. That, the said Adélard Cardinal became purchaser of the immoveable bearing original No. 283, of the parish of St. Joachim de Chateauguay, at a public auction sale under the Municipal Code, held on the 3rd of March, 1909, by the corporation of the county of Chateauguay, for municipal and school taxes owing to the municipality of the parish of St. Joachim de Chateauguay;

5. That no redemption having been effected within the delay prescribed by the Municipal Code. Adélard Cardinal

became the indisputable owner of the said immovable, by a deed of sale granted to him by the corporation of the county of Chateauguay on the 29th of April, 1911, registered in the registration office of the county of Chateauguay under No. 36691;

6. That doubts have arisen as to the validity of the title of the said Adélarde Cardinal and of his successors and representatives to the said immovable, owing to the fact that the said Adélarde Cardinal became purchaser at a sale effected against himself, as owner; and also owing to the fact that the said Adélarde Cardinal had been entered in the valuation roll of the parish of St. Joachim de Chateauguay as sole owner of the entirety of the said immovable, whilst, in fact, by his titles he was the undivided owner of ten-sixteenths and of one-seventh of one-sixteenth only, the other undivided portion belonging apparently, by the titles, to the heirs of François Duquette;

7. That the said François Duquette died on the 15th of April, 1857, and that apparently his heirs have always been unknown to the municipal authorities of the parish of St. Joachim de Chateauguay, as they were not entered as undivided owners of the said immovable on any of the valuation rolls of the said municipality which it has been possible to find;

8. That it is expedient to remove any doubt as to the validity of the title of Adélarde Cardinal to the immovable bearing the original No. 283 of the parish of St. Joachim de Chateauguay, and as to the validity of the titles of Rose Cardinal-Painchaud and Armand Cardinal to those parts of the said immovable, whereof each of them is now owner;

9. That Adélarde Cardinal had acquired such portion of the immovable bearing the original No. 280 of the cadastre of the parish of St. Joachim de Chateauguay whereof he became owner by separate and successive purchases, namely:

(a) On the 4th of September, 1906, from Joachim Bourcier, by deed received before A. N. Lapaille, notary, and registered under No. 33224, the part hereinafter described, namely:

"A lot of land lying and situate in the parish of St. Joachim de Chateauguay, known on the official plan and book of reference of the cadastre for the said parish of St. Joachim de Chateauguay as part of the lot of land No. 280, bounded as follows: in front, by François Duranceau, the acquirer, and J. Baptiste Galarneau; in rear and on the

west side, by the vendor, and on the other side by Jérémie Amyiot, senior, without buildings, containing an arpent and a half in front by two hundred and ten feet in depth, more or less.”;

(b) On the 28th of December, 1906, from Joachim Bourcier, by deed received before A. N. Lepaillieur, notary, and registered under No. 33549, the part hereinafter described, namely:

“A lot of land lying and situate in the parish of St. Joachim de Chateauguay, known on the official plan and book of reference of the cadastre of the said parish of St. Joachim de Chateauguay as forming part of the lot of land No. 280, bounded as follows: in front, by Thomas Galarneau, in rear and on one side by the vendor, and on the other side by the purchaser, measuring forty-five feet in front by two hundred and eighty feet in depth, with a strip of ten feet in depth by an arpent and a quarter in length, so as to form a square of land belonging to the purchaser, without buildings.”;

(c) On the 25th of January, 1909, from Joachim Bourcier, by deed, before A. N. Lepaillieur, notary, registered under No. 35041, the part hereinafter described, namely:

“A lot of land known on the official plan and book of reference of the parish of St. Joachim de Chateauguay as forming part of the lot of land two hundred and eighty, of irregular shape, containing one hundred and eighty feet in front by one hundred and eighty feet in depth, bounded in front by the purchaser, in rear and on the other sides by the vendor, without buildings.”;

10. That the lands conterminous to the various parts of lot No. 280 are described in a vague, incorrect, ambiguous and in some cases inexact manner, so as to lead to error and confusion and to occasion much trouble and inconvenience;

11. That, in order to remedy the situation, the estate of Adélarde Cardinal, the immediate *auteur* of Dame Rose Cardinal-Painchaud and Armand Cardinal, proceeded, through the services of Arthur Vincent, land surveyor, to the locating and surveying of these various parts of the original lot No. 280, whereof Adélarde Cardinal was owner, and to their official subdivision;

12. That, by a first subdivision, the lots were constituted which are now known under Nos. 280-150, 280-151, 280-152 of the cadastre of the parish of St. Joachim de Chateauguay, according to a plan the original whereof was deposited, with a book of reference, in the Department of

Colonization, Mines and Fisheries, on the 25th of April, 1931, and a copy deposited in the registration office of the county of Chateauguay, on the 29th of April, 1931;

13. That, by a second subdivision, the lots were constituted which are now known as Nos. 280-153, 280-154, 280-155, 280-156 of the same above cadastre, according to a plan the original whereof was deposited, with a book of reference, in the Department of Colonization, Game and Fisheries, on the 19th of October, 1934, and a copy deposited in the registration office of the county of Chateauguay, on the 23rd of October, 1934;

14. That it is expedient to remove any uncertainty and any ambiguity in the descriptions of the various portions of the lot original No. 280 whereof Adélar Cardinal was owner;

15. That there is no dispute or trouble between Dame Rose Cardinal-Painchaud and Armand Cardinal, on the one part, and the neighbouring owners, on the other part, as to the contents and the situation and boundaries of the said immoveables; and

Whereas the said Dame Rose Cardinal-Painchaud and the said Armand Cardinal have prayed for the passing of an act for the above purposes, and it is expedient to grant their prayer;

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

Validation
of certain
adjudica-
tion, etc.

1. The adjudication made on the 3rd of March, 1909, of the immoveable bearing the original No. 283 of the cadastre of the parish of St. Joachim de Chateauguay, and the sale which followed same, on the 29th of April, 1911, by the corporation of the county of Chateauguay to Adélar Cardinal, registered under No. 36691, are hereby validated, ratified and confirmed for all legal purposes.

Ownership
of certain
immove-
ables.

2. The said adjudication and sale shall constitute a valid and definite title for all legal purposes, in favour of Dame Rose Cardinal-Painchaud and Armand Cardinal, to the immoveables of which each of them is owner, and which formerly formed part of the said original lot 283, more particularly as regards all and each of the heirs of François Duquette.

Correction
of certain
description.

3. The official plan and book of reference of lots Nos. 280-150, 280-151, 280-152, 280-153, 280-154, 280-155, 280-156 of the cadastre of the parish of St. Joachim de

Chateauguay shall constitute a sufficient correction of the former description of the various parts of the original lot No. 280 of the said cadastre, contained in the various titles of acquisition by Adélard Cardinal.

4. This act shall come into force on the day of its ^{Coming into} sanction. _{force.}