



CHAPTER 164

An Act to ratify the title of Canadian Copper Refiners,
Limited, to certain property situate in the town of
Montreal East

[Assented to, the 11th of March, 1931]

WHEREAS Canadian Copper Refiners, Limited, has, by Preamble.
its petition, represented that by three deeds of sale
passed before J. Emery Coderre, notary, one on the 21st of
February, 1930, and the remaining two on the 5th of May,
1930, and registered at Montreal under Nos. 240008, 245505
and 245506 respectively, and a deed of correction made
between the same parties before the same notary, the 31st
of October, 1930, and registered at Montreal under No.
261203, it did purchase from Napoléon Courtemanche an
emplacement in the town of Montreal East, lying and
situate between Sherbrooke street and the river St.
Lawrence and being composed of certain unsubdivided
portions of original lots Nos. 82, 83, 84 and 85 on the official
plan and book of reference of the parish of Pointe-aux-
Trembles, and certain subdivision lots of said original lots
Nos. 82, 83 and 85, the whole as more fully set forth and
described in the said deeds;

That one Jean Versailles acquired the whole of said
original lot No. 82, less that portion previously sold for
the right of way of the Chateauguay and Northern Railway
Company, from Adolphe Bissonnette, by deed of sale
passed before J. C. E. Levy, notary, the 2nd of November,
1906, and registered at Hochelaga and Jacques-Cartier
under No. 128259;

That the said Jean Versailles effected a subdivision of
that portion of the said original lot acquired by him, such
subdivision plan being deposited in the registry office of
Hochelaga and Jacques-Cartier on the 21st of May, 1907;

That on the said subdivision plan, subdivision lot No. 1 is shown running parallel to the river St. Lawrence and at right angles to subdivision lots Nos. 2 to 9 inclusive of said original lot No. 82 and separating the said subdivision lots from an unsubdivided part of the said original lot No. 82 immediately adjacent to the river St. Lawrence, while in the official book of reference the said subdivision lot No. 1 is described as being bounded towards the southeast by the river St. Lawrence;

That in the year 1913 the Harbour Commissioners of Montreal caused a survey to be made of the lands lying between the said subdivision lots Nos. 2 to 9 inclusive and the river St. Lawrence for the purpose of fixing the boundaries of the property of the Harbour Commissioners of Montreal, the said survey being made by Joseph Rielle, Q. L. S.;

That following such survey a *procès-verbal* of survey was signed on the 20th of March, 1915, by the said Harbour Commissioners of Montreal and one Henri Pepin, fixing the boundary line between the property of the Harbour Commissioners of Montreal and that parcel of land forming part of the unsubdivided portion of the said original lot No. 82 lying between the prolongation in a straight line in a southeasterly direction of the northeast side line and of the prolongation of the southwest side line of subdivision lot No. 2 of said original lot No. 82; a *procès-verbal* of survey was signed on the 23rd of April, 1915, by the said Harbour Commissioners of Montreal and one E. H. Girard, fixing the boundary line between the property of the Harbour Commissioners of Montreal and that parcel of land forming part of the unsubdivided portion of the said original lot No. 82 lying between the prolongation in a straight line in a southeasterly direction of the northeast side line of subdivision lot No. 3 and the prolongation of the southwest side line of subdivision lot No. 4 of said original lot No. 82; a *procès-verbal* of survey was signed on the 14th of April, 1915, by the said Harbour Commissioners of Montreal and one Joseph A. Hardy, fixing the boundary line between the property of the Harbour Commissioners of Montreal and that parcel of land forming part of the unsubdivided portion of said original lot No. 82 lying between the prolongation in a straight line in a southeasterly direction of the northeast side line of subdivision lot No. 5 and the prolongation of the southwest side line of subdivision lot No. 7 of said original lot No. 82; a *procès-verbal* of survey was signed on the 7th of December, 1914, by the said Harbour Commissioners of Montreal,

and one Joseph Versailles, fixing the boundary line between the property of the Harbour Commissioners of Montreal and that parcel of land forming part of the unsubdivided portion of said original lot No. 82, lying between the prolongation in a straight line in a southeasterly direction of the northeast side line of subdivision lot No. 8 and the prolongation of the southwest side line of subdivision lot No. 9 of said original lot No. 82;

That the said *procès-verbaux* of survey should have been entered into between the said Harbour Commissioners of Montreal and the said Jean Versailles, who was then the registered owner of the said unsubdivided portions of said original lot No. 82;

That Canadian Copper Refiners, Limited, is in all the rights of any persons whatsoever claiming any title in the said unsubdivided portions of said original lot No. 82, immediately adjacent to the property of the Harbour Commissioners of Montreal as demarcated in the said *procès-verbaux* of survey, which said unsubdivided portions may be more particularly described as follows:

“That certain lot of land forming part of the unsubdivided portion of lot No. 82 on the official cadastral plan and in the book of reference for the parish of Pointe-aux-Trembles, bounded to the southeast by the property belonging to the Harbour Commissioners of Montreal, to the northwest by part of subdivision No. 1 of the said lot 82, to the southwest by lot No. 81 on the said official plan, and to the northeast by another part of the unsubdivided portion of the said lot 82, from which other part it is separated by the prolongation in a straight line in a southeasterly direction of the northeast side line of subdivision No. 2 of the said lot 82 to where it meets the said property belonging to the Harbour Commissioners of Montreal.”;

That Canadian Copper Refiners, Limited, is also in all the rights of any persons whatsoever claiming any title in the property more particularly described as follows:

“That certain lot of land forming part of subdivision lot No. 1 of original lot No. 82 on the official cadastral plan and in the book of reference for the parish of Pointe-aux-Trembles, bounded to the southeast by part of the unsubdivided portion of said original lot No. 82, to the northwest by subdivision lots 2, 3, 4, 5, 6, 7, 8 and 9 of the said lot 82, to the southwest by lot No. 81 on the said official plan and to the northeast by the residue of the said subdivision lot No. 1, from which residue it is separated by the prolongation in a straight line in a southeasterly

direction of the northeast side line of subdivision lot No. 2 of the said lot No. 82 to its intersection with the south-east boundary line of the said subdivision lot No. 1.”;

That Canadian Copper Refiners, Limited, has acquired from the said Napoléon Courtemanche under the deeds hereinabove mentioned the following subdivision lots shown as projected streets and lanes on the official subdivision plans of said original lots Nos. 82, 83 and 85, namely, subdivision lots Nos. 136, 137, 143, 157, 167, 168, 177, 187, 192, 210, 211, 216, 225, 243, 261, 270, 271, 276, 294, 295, 300, 309, 327, 345, 354, 355, 360, 383, 385, 394, 411, 428 and 429 of said original lot No. 82, subdivision lots Nos. 54, 55, 68, 73, 74, 79, 80, 98, 103, 104, 109, 110, 128, 133, 134, 139, 139A and 156 of said original lot No. 83, subdivision lots Nos. 60, 74, 84, 99, 104, 121, 137, 155, 160, 169, 187, 205, 221, 239, 244, 253, 271, 289, 305, 329, 338 and 363 of said original lot No. 85 and the parts of subdivision lots Nos. 132, 216 and 300 of said original lot No. 85 lying to the southwest of Durocher avenue and the parts of subdivision lots Nos. 148 and 186 of said original lot No. 82, and of subdivision lot No. 49 of said original lot No. 83 and of subdivision lot No. 79 of said original lot No. 85 lying to the northwest of Victoria street as presently homologated, all as more fully described in the deed of sale from the said Napoléon Courtemanche to Canadian Copper Refiners, Limited, passed before J. Emery Coderre, notary, the 21st of February, 1930, and registered at Montreal under No. 240008;

That the said Napoléon Courtemanche acquired the said subdivision lots and parts of subdivision lots enumerated and described in the immediately preceding paragraph from the town of Montreal East by deed passed before J. Emery Coderre, notary, the 7th of June, 1930, and registered at Montreal under No. 248404 and that doubts have been expressed as to the validity of such sale, including the question of the powers of the town, under its act of incorporation, to effect such sale and the manner of exercising its powers and the changing of the destination of such projected streets and lanes;

That, in addition to the said projected streets and lanes thus acquired, Canadian Copper Refiners, Limited, acquired from the said Napoléon Courtemanche, under the deeds hereinabove mentioned, subdivision lot No. 24 of said original lot No. 82, shown as a projected lane on the said subdivision plan, and that part of subdivision lot No. 10 of said original lot No. 82 shown as a projected street lying

to the southwest of the prolongation in a straight line in a southeasterly direction of the southwest side line of subdivision lot No. 28 of said original lot No. 82, also known as Tétreault avenue;

That the said projected streets and lanes have never been opened or used as streets or lanes;

That subdivision lots Nos. 50, 51, 52, 53, 56, 57, 58 and 59 of said original lot No. 83 were sold for taxes by the secretary-treasurer of the town of Montreal East as belonging to Dame Marie Jeanne Sauvageau, wife of Adélard Giguère, who was entered as owner on the valuation roll of the town of Montreal East notwithstanding that one Dame Aldea Latreille, wife of Alphonse Lamy, was the registered owner of the said lots, and were adjudicated on the 28th of July, 1926, to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited, and were not subsequently redeemed;

That subdivision lots Nos. 82 and 83 of said original lot No. 82 were sold for taxes by the secretary-treasurer of the town of Montreal East as belonging to Dame Marie Louise Pinard, who was entered as owner on the valuation roll of the town of Montreal East notwithstanding that one Adolphe Sauriol was the registered owner of the said lots, and were adjudicated on the 28th of July, 1926, to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited, and were not subsequently redeemed;

That subdivision lots Nos. 306, 307 and 308 of said original lot No. 82 were sold for taxes by the secretary-treasurer of the town of Montreal East as belonging to the estate of the late J. E. Saucier, which was entered as owner on the valuation roll of the town of Montreal East, notwithstanding that J. E. Saucier "in trust" was the registered owner of the said lots, and were adjudicated on the 28th of July, 1926, to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited, and were not subsequently redeemed;

That subdivision lots Nos. 320, 321 and 322 of said original lot No. 82 were sold for taxes by the secretary-treasurer of the town of Montreal East as belonging to one Jean Grenier, who was entered as owner on the valuation roll of the town of Montreal East notwithstanding that the said Jean Grenier was the registered owner for an undivided half only of the said lots and one George Husson for the other undivided half of the said lots and were adjudicated on the 18th of December, 1929, to one Georges Boucher, the *auteur* of Canadian Copper Refiners, Limited, and were not subsequently redeemed;

That subdivision lot No. 308 of said original lot No. 85 was sold for taxes by the secretary-treasurer of the town of Montreal East as belonging to one Fortunat Laberge, who was entered as owner on the valuation roll of the town of Montreal East notwithstanding that J. Adélarde Clément, Téléphore Clément, Osmond Paquin, J. Ernest Paquin, Joseph Lucien Guilbert and Joseph Charles Allard were the registered owners of the said lot, and was adjudicated on the 28th of July, 1926, to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited, and was not subsequently redeemed;

That subdivision lots Nos. 372, 374, 405 and 424 of said original lot No. 82 and subdivision lots Nos. 310 and 327 of said original lot No. 85 were brought to sheriff's sale for taxes following suit by the town of Montreal East, as plaintiff, against Dame Alphonsine Perras, widow of Honorius Beaudin, Gilbert Henri Beaudin and Joseph Emile Beaudin, carrying on business under the name of Beaudin & Frères, as defendants, notwithstanding the fact that one Amédée Beaudin was originally a partner of Beaudin & Frères and had died subsequently to the acquisition of the said lots by Beaudin & Frères and that his heirs were not made a party to the action, the said subdivision lots Nos. 372 and 374 being adjudicated by the sheriff of the district of Montreal on the 15th of June, 1922, to one Benjamin B. Lusher, the *auteur* of Canadian Copper Refiners, Limited, and the said subdivision lots Nos. 405, 424, 310 and 327 being adjudicated by the said sheriff on the same day to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited;

That subdivision lot No. 419 of said original lot No. 82 was brought to sheriff's sale following suit for taxes by the town of Montreal East, as plaintiff, against one J. Arsène Payette, as defendant, the said J. Arsène Payette being entered as owner of the said lot on the valuation roll of the town of Montreal East, whereas the said subdivision lot was actually registered in the name of one Arsène Choquette, and was adjudicated by the sheriff of the district of Montreal on the 24th of March, 1921, to the town of Montreal East, the *auteur* of Canadian Copper Refiners, Limited;

That subdivision lots Nos. 316 and 317 of said original lot No. 82 were acquired by the said Napoléon Courtemanche, the *auteur* of Canadian Copper Refiners, Limited, from the estate of the late James Fletcher by deed of sale passed before J. A. Pérodeau, notary, the 17th of January, 1930, and registered at Montreal under No. 235610; that

in the said deed the said estate of the late James Fletcher was represented by George Hogg and William A. Cornell, testamentary executors appointed under the last will and testament of the said James Fletcher, which will was executed according to the laws of England and duly probated at Montreal on the 22nd of July, 1910, and registered at Hochelaga and Jacques-Cartier under No. 179195, notwithstanding the fact that such will did not extend the powers of the executors beyond the year and day fixed by law; that in the said deed the said George Hogg was further declared to be acting in his quality of attorney of and for Maggie Forbes and Robert Forbes, residuary legatees of the said James Fletcher named in the said will, in virtue of a power of attorney executed at Rasharkin, county Antrim, Ireland, on the 31st of July, 1913, which power of attorney was signed and delivered in the presence of James Smith, commissioner for taking affidavits in His Majesty's High Court of Justice in Ireland, and Robert Griffin, solicitor's clerk, of Ballymena, Ireland, but was not properly authenticated by affidavit of one of the witnesses and was subsequently deposited among the original minutes of J. A. Pérodeau, notary, under No. 776 of his minutes;

That the property conveyed by a deed of cession from Dame Alice Duhamel, wife of Wilfrid Duchesny, Dame Lucie Duhamel, wife of Joseph Delisle, Dame Juliette Duhamel, wife of Joseph O. Pronovost, and the said Wilfrid Duchesny, Joseph Delisle and Joseph O. Pronovost acting personally as well as to authorize their said wives, and Cécile Duhamel, Thérèse Duhamel, Jeannette Duhamel, Eva Duhamel and Philippe Barill, to the estate of the late Antoine A. Duhamel, the auteur of Canadian Copper Refiners Limited, passed before L. Lessard, notary, the 25th of October, 1929, and registered at Montreal under No. 236863, was wrongly described as lots Nos. 346, 363 and 364 on the official plan and book of reference of the parish of Pointe-aux-Trembles instead of as subdivision lots Nos. 346, 363 and 364 of original lot No. 82 on the said official plan and book of reference, as appears by a declaration of correction made by Dame Juliette Duhamel, wife of Joseph O. Pronovost, before the same notary, on the 28th of January, 1930, and registered at Montreal under No. 236864;

That subdivision lots Nos. 378 and 418 of said original lot No. 82 were acquired by the said Napoléon Courtemanche, the auteur of Canadian Copper Refiners, Limited, from Dame Aurore Brunelle, widow of Anatole Girard,

by deed of sale passed before R. Faribault, notary, the 11th of December, 1929, and registered at Montreal under No. 233497, the said Dame Aurore Brunelle, acting both personally in her quality of universal legatee in ownership of one-half of the estate of her late husband as well as in quality of testamentary executrix of the said estate, the whole in accordance with the provisions of the last will of the said Anatole Girard passed before J. E. Lachapelle, notary, the 30th of November, 1917, and registered at Hochelaga and Jacques-Cartier under No. 355483; that according to the provisions of the said will, the said Anatole Girard bequeathed the usufruct of the other one-half of his estate to his wife, the said Dame Aurore Brunelle, such usufruct to cease upon her remarriage, and the ownership to the children issue of his marriage, the institution of the said Dame Aurore Brunelle as universal legatee for one-half and usufructuary legatee for the other half of the estate being conditional upon her renunciation of her rights under her marriage contract with the special provision that the said Dame Aurore Brunelle, in her quality of testamentary executrix, should have full power to sell, alienate or hypothecate the immoveable property of the said estate provided that such sale, alienation or hypothecation were effected without fraud and that the share accruing to the children should remain hypothecated upon the immoveable thus sold; that by declaration of death and transmission of the property of the estate of the said late Anatole Girard made before J. E. Lachapelle, notary, the 5th of February, 1918, and registered at Hochelaga and Jacques-Cartier under No. 355484, the said Dame Aurore Brunelle declared that she accepted the will of her husband although it is not stated specifically therein that she renounced her rights under her contract of marriage; that the sale of the said subdivision lots Nos. 378 and 418 of said original lot No. 82 to Napoléon Courtemanche was made for the sum of one hundred dollars of which the sum of fifty dollars was paid to the said Dame Aurore Brunelle as being her share of the sale price, and the balance of fifty dollars, remaining due, being the share of the children issue of her marriage with the said Anatole Girard, subject to her usufruct as created in the said will, was retained by the purchaser and was secured by hypothec or vendor's privilege upon the said lots; that it is not in the interest of the children issue of the marriage of the said Dame Aurore Brunelle and the said late Anatole Girard, that the said sum of fifty dollars should remain hypothecated on the said lots and the said Napoléon Courtemanche has

in fact since the date of the execution of the said deed of sale paid the said sum of fifty dollars to the said Dame Aurore Brunelle, in her quality of testamentary executrix of the estate of her late husband;

That the said Napoléon Courtemanche, the *auteur* of Canadian Copper Refiners, Limited, acquired subdivision lots Nos. 337, 338 and 339 of said original lot No. 82 from Dame Edith M. Shorey, widow of Fitz-Herbert P. Buchanan, by deed of sale passed before N. Dickson, notary, the 28th of November, 1929, and registered at Montreal under No. 231367; that the said Dame Edith M. Shorey had acquired the said subdivision lots from the executors of the estate of her late husband by deed of conveyance passed before J. A. Cameron, notary, the 25th of March, 1918, and registered at Hochelaga and Jacques-Cartier under No. 359810; that the said conveyance was incidental to the delivery of the estate of the late Fitz-Herbert P. Buchanan to the said Dame Edith M. Shorey as legal heir following renunciations by and on behalf of all those nearer in order of succession, although it does not appear that she had previously specifically abandoned all her rights of survivorship accruing to her under her marriage contract or by law; that among the said renunciations was a deed of renunciation by Dame Mary Ada or Minda Buchanan, wife of Tripet Skrypitzine, and duly authorized by him, which deed of renunciation was executed in Paris, France, on the 22nd of September, 1916, under private signature only and deposited with the records of J. A. Cameron, notary, the 31st of July, 1917, under No. 17909 of his minutes;

That subdivision lot No. 309 of said original lot No. 85 was originally sold by Jean Versailles to J. Adélarde Clément *et al.*, by deed of sale passed before J. A. Paquin, notary, on the 24th of March, 1910, and registered at Hochelaga and Jacques-Cartier under No. 169940; that subsequently the said Jean Versailles re-acquired the said subdivision lot from the said J. Adélarde Clément *et al.*, by deed of sale passed before J. A. Paquin, notary, the 9th of September, 1914, and registered at Hochelaga and Jacques-Cartier under No. 282879, and subsequently resold it to Dame Julie Monarque, widow of Joseph Versailles, by deed passed before R. Faribault, notary, the 25th of July, 1917, and registered at Hochelaga and Jacques-Cartier under No. 345835, and the said subdivision lot was subsequently sold for taxes on the said Dame Julie Monarque and adjudicated on the 28th of July, 1926, to the town of Montreal East, the *auteur* of Canadian Copper Refiners,

Limited; that subsequent to the original sale by Jean Versailles to the said J. Adélarde Clément *et al.*, namely, on the 30th of March, 1910, the said Jean Versailles sold the same subdivision lot in error to one Napoléon Chamberland by deed passed before E. Biron, notary, on the 30th March, 1910, and registered at Hochelaga and Jacques-Cartier under No. 170002, but the said Napoléon Chamberland, in view of the prior sale to the said J. Adélarde Clément *et al.*, acquired no title in the said lot at the time and that Jean Versailles omitted to obtain the cancellation and radiation of the said deed registered under No. 170002 when he re-acquired the property, and that the said Napoléon Chamberland has in fact never been in possession of the said lot and has never paid any taxes thereon or exercised any rights of ownership whatsoever therein;

Whereas, the validity of the title of Canadian Copper Refiners, Limited, to certain portions of the emplacement acquired from Napoléon Courtemanche, under the deeds hereinabove mentioned, has been questioned;

Whereas the petitioner has prayed for an act to remove such doubts and 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:

Dividing
line deter-
mined.

1. The dividing line between the property of the Harbour Commissioners of Montreal and that of Canadian Copper Refiners, Limited, shall be that determined by the *procès-verbaux* of survey signed by Henri Pepin, E. H. Girard, Joseph A. Hardy and Joseph Versailles, on the 20th of March, 1915, 23rd of April, 1915, 14th of April, 1915, and 7th of December, 1914, respectively.

Validation
of certain
acts, etc.

2. The following are hereby ratified, confirmed and validated for all legal purposes, namely:

The deed of sale by the town of Montreal East, registered at Montreal under number 248404; the adjudications by the secretary-treasurer of the town of Montreal East, on the 23th of July, 1926, of subdivisions Nos. 50, 51, 52, 53, 56, 57, 58 and 59 of original lot number 83 of the official plan and book of reference of the Parish of Pointe-aux-Trembles, those of the subdivisions Nos. 82, 83, 306, 307 and 308 of original lot number 82 of the said official plan and book of reference and that of subdivision No. 308 of original lot No. 85 of the said official plan and book of reference, and those of subdivisions Nos. 320, 321 and 322 of said original lot No. 82, on the 18th of December, 1929; as well as the ad-

judications by the sheriff of the district of Montreal, on the 15th of June, 1922, of subdivisions Nos, 372, 374, 405 and 424 of said original lot No. 82 and those of subdivisions Nos. 310 and 327 of said original lot No. 85 and that of subdivision No. 419 of said original lot No. 82, on the 24th of March, 1921; the deed of sale by the testamentary executors of the late James Fletcher *et al*, registered at Montreal under No. 235610; the deed of cession by Dame Alice Duhamel, wife of Wilfrid Duchesny, *et al*, to the estate of Antoine A. Duhamel, registered at Montreal under No. 236863, and the declaration of correction of said deed, registered under No. 236864 stating that the property sold in said deed of cession is known as subdivisions Nos. 346, 363 and 364 of lot No. 82 of the official plan and book of reference of the parish of Pointe-aux-Trembles; the deed of sale by Dame Aurore Brunelle, widow of Anatole Girard, registered at Montreal under number 233497; the deed of conveyance from the testamentary executors of the late Fitz-Herbert P. Buchanan to Dame Edith M. Shorey, registered at Hochelaga and Jacques-Cartier under No. 359810; the deed of renunciation by Dame Mary Ada or Minda Buchanan bearing No. 17909 of the minutes of J. A. Cameron, notary; the deed of sale from Jean Versailles to Dame Julie Monarque, registered at Hochelaga and Jacques-Cartier under No. 345835, and the adjudication by the secretary-treasurer of the town of Montreal East, on the 28th of July, 1926, of subdivision No. 309 of said lot 85 against Julie Monarque,—

And the said Dame Aurore Brunelle is hereby authorized to grant acquittance and discharge of the hypothec for fifty dollars affecting subdivisions Nos. 378 and 418 of original lot No. 82 under the terms of the deed of sale registered at Montreal under No. 233497.

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