



CHAPTER 141

An Act to ratify and validate a sale of immoveable property
made by the estate of Ferdinand Poirier to his widow,
Léontine Lacroix

[Assented to, the 22nd of February, 1929]

WHEREAS Joseph Arthur Lapierre, accountant, of Preamble.
Montreal, has, by his petition, represented:

That Ferdinand Poirier, in his lifetime, printer and publicist, of the city of Outremont, died on the 5th of June, 1916, and made a will before C. Paquet and colleague, notaries, on the 27th of May, 1916, which was registered with a declaration of death at Hochelaga and Jacques-Cartier, under Nos. 330788 and 330789 respectively;

That the said Ferdinand Poirier, by the terms of his above cited will, amongst other provisions, instituted his five children: Ferdinand, George, Eva, Paul and Fernande Poirier his universal legatees in ownership, and appointed his two sons Ferdinand and George Poirier, and his wife, Léontine Lacroix, his testamentary executors and administrators, with the powers mentioned in the said will, and particularly with power to sell his vacant lot situated on St. Catherine's road, at the corner of Dunlop street, Outremont, for a price not less than twenty thousand dollars;

That amongst other immoveables, the said Ferdinand Poirier left in his estate the said vacant lot, which is described as follows:

"A vacant lot situated on St. Catherine's road, at the corner of Dunlop street, in the city of Outremont, known and described as being the lot of land number two of the subdivision of the original lot No. forty-four (lot 44-2) on the official plan and book of reference of the municipality of the parish of Montreal";

That, in addition, by the terms of the said will, the said

Ferdinand Poirier stipulated that his two children, Paul and Fernande, should only take possession of their respective share after the death of his wife, Léontine Lacroix, their mother, to whom he bequeathed the enjoyment thereof for her lifetime;

That by deed of tutorship issued by the prothonotary of the Superior Court, Montreal, on the 21st of June, 1916, the said Léontine Lacroix was appointed tutrix to her minor children, Paul and Fernand, who are still minors;

That the said testamentary executors of the late Ferdinand Poirier are unable to sell, particularly the above-described vacant lot, on account of the excessive price fixed by the testator;

That in order to do away with the indivision, and to make a final division of the properties, and particularly the immoveable property of the said estate, all the heirs or universal legatees in ownership, of the said Ferdinand Poirier, namely the three legatees of the age of majority and the said Léontine Lacroix, representing, in her capacity of tutrix, the two minor legatees, decided to proceed to the sale by voluntary licitation of the immoveables of the said estate, particularly of the said above-described vacant lot;

That the said Léontine Lacroix was authorized by an order of the prothonotary of the Superior Court for the district of Montreal, dated the 13th of September, 1919, to sell in her capacity of tutrix the share of the said minors in the immoveable property described in said order, and particularly in the above-described vacant lot, and J. Arthur Aumais, merchant, of Montreal, was appointed tutor *ad hoc* to the said minors, and was authorized to sell the share of the latter in the said immoveables, in the event of the said Léontine Lacroix becoming personally *adjudicataire* of any of said immoveables, the proceeds of sale of said immoveables, including the share of the said minors therein, to be paid to the estate of the late Ferdinand Poirier, afterwards to be divided with the other property belonging to such estate amongst those interested, according to their respective rights;

That in fact, according to the judicially authorized sale, made before C. Paquet, notary, on the 14th of January, 1920, registered at Hochelaga and Jacques-Cartier under No. 391204, the three universal legatees of the age of majority, of the late Ferdinand Poirier, and the said tutor *ad hoc*, representing the two universal legatees who are minors, of the latter, sold to the said Léontine Lacroix, widow of Ferdinand Poirier, to whom the same was adjudged, the said above-described vacant lot (lot 44-2 of

the parish of Montreal) situated on St. Catherine's road, at the corner of Dunlop street, in Outremont, for the price of twelve thousand dollars, the minimum fixed by the said order and the adjudication price which the said Léontine Lacroix undertook to pay to those entitled thereto at the time of the partition to be made of the properties of the said estate of Ferdinand Poirier, with interest at the rate of six per cent per annum, payable half yearly;

That all the formalities required for the said judicially authorized sale have been accomplished;

That by a deed of sale made before R. T. Beaudoin, notary, on the 11th of August, 1924, and registered in Montreal under No. 56732, the said Léontine Lacroix, widow of Ferdinand Poirier, sold to Joseph Arthur Lapierre, accountant, of Montreal, the present petitioner, the above-described vacant lot, for the price of thirteen thousand dollars, whereof one thousand dollars were paid cash, and the balance whereof of twelve thousand dollars representing the share devolving to the two minor children above named, according to the partition made between the legatees of the said Ferdinand Poirier, was accordingly stipulated payable by the purchaser according to such partition;

That, in fact, the said sum of twelve thousand dollars was subsequently paid to the said Léontine Lacroix, widow of Ferdinand Poirier, in her capacity of tutrix to the said minors and of usufructuary of the amount, who gave a discharge thereof to the said Joseph Arthur Lapierre, by deed granting cancellation of hypothec deposited in the registry office in Montreal under No. 19910, and who afterwards, herself, invested it in her said capacities of tutrix and usufructuary;

That by a deed of sale passed before V. Joannette, notary, on the 5th of May, 1926, registered in Montreal under No. 111111, the said Joseph Arthur Lapierre, the present petitioner, sold to Thomas J. O'Neill, agent, of Westmount, the above-described vacant lot for the price of sixteen thousand, three hundred and twelve dollars and fifty cents, paid cash;

That the said Thomas J. O'Neill is able to sell the above-described vacant lot to a *bona fide* purchaser for the sum of nine thousand, five hundred dollars (\$9,500.00) to be paid cash, on the passing of the deed of sale;

That the legal advisers of the last purchaser have raised doubts as to the validity of the said judicially authorized sale, passed before C. Paquet, notary, on the 14th of January, 1920, and registered at Hochelaga and Jacques-

Cartier under No. 391204, by which the estate of the late Ferdinand Poirier sold the said vacant lot to the said Léontine Lacroix who was the *adjudicataire* and personal purchaser thereof, as above stated;

That the doubts of the said legal advisers relate particularly to the question whether the said Léontine Lacroix had the right to purchase personally from the said estate the said vacant lot, for the price of twelve thousand dollars, inasmuch as the price had been fixed at twenty thousand dollars by the testator, and as the said Léontine Lacroix had been appointed with Ferdinand and George Poirier testamentary executors and administrators of the late Ferdinand Poirier and as there is a doubt whether their duties as such executors had then practically ceased;

That the said Thomas J. O'Neill has required the said Joseph Arthur Lapierre, his vendor, to have such doubts removed by having the above-cited judicially authorized sale of the 14th of January, 1920, ratified and validated by an act of the Quebec Legislature;

That, accordingly, the said Joseph Arthur Lapierre, the present petitioner, specially represents as follows:

That the universal legatees of age of the said Ferdinand Poirier were entitled to take steps to do away with the indivision and to effect a final partition of the property of the said estate of the late Ferdinand Poirier, and that the sale of the immoveable property by voluntary licitation afforded the best means of attaining this end;

That the said Léontine Lacroix was judicially authorized to bid upon and become purchaser of said vacant lot for the price of twelve thousand dollars, representing the valuation made by experts and the minimum price fixed in the said order;

That in fact, or practically so, the duties of the said testamentary executors and administrators had ceased, as all the universal legatees themselves were proceeding to the sale and partition of the property;

That the said vacant lot was purchased by the said Léontine Lacroix, at a sufficient and even advantageous price, since the price, even now offered by a purchaser in good faith, is only nine thousand five hundred dollars;

That the said minors are not yet of the age of majority and it is urgent to have the said judicially authorized sale ratified and validated;

That if such judicially authorized sale of the 14th of January, 1920, is not valid, considerable trouble and damage will be suffered both by the estate of Ferdinand Poirier and by the subsequent and future purchasers;

That it is in the interest, both of the estate of the late Ferdinand Poirier and of the past and future purchasers, that the said judicially authorized sale be ratified and validated for all legal purposes:

That, therefore, the petitioner prays, on his own behalf and on behalf of the others interested, that the said judicially authorized sale, passed before C. Paquet, notary, on the 14th of January, 1920, be ratified and validated for all legal purposes, as made for the price stated therein, by an act of the Quebec Legislature, in order to remove all doubts for the reasons above mentioned, and to render assured, and beyond discussion, the deed of purchase by the said Léontine Lacroix, widow of Ferdinand Poirier.

Whereas the petitioner, Joseph Arthur Lapierre, has prayed for the passing of an act to ratify and validate the said judicially authorized sale for all legal purposes;

Whereas it is expedient to grant the prayer contained in this petition;

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

1. The judicially authorized sale made by the estate of Ferdinand Poirier to Léontine Lacroix, widow of the latter, of lot number two of the subdivision of the original lot number forty-four (44-2), on the official plan and book of reference of the parish of Montreal, passed before C. Paquet, notary, on the 14th of January, 1920, and registered in the registry office of the counties of Hochelaga and Jacques-Cartier under No. 391204, is ratified and validated and declared to have always been valid for all legal purposes. ^{Sale ratified.}

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