



CHAPTER 134

An Act to authorize the cancellation of a hypothec affecting lot number 130 of the cadastre of the village of *La Côte des Neiges*

[Assented to, the 22nd of March, 1928]

WHEREAS Dame Clara Beauchamp, widow of Simon Lacombe, personally and in her capacity of tutrix to Marie Anna Lacombe, minor, and Marie Louise and Marie Jeanne Lacombe, have, by their petition, represented: Preamble.

That by deed of the 14th of July, 1869, before J. H. Jobin, notary, registered on the 22nd of July, 1869, in the registry office for the division of Montreal West, under number 54790, François Chalut and others sold to Simon and Joseph Lacombe, two lots of land known under the numbers twenty-seven and one hundred and thirty, (27 and 130) of the cadastre of the village of *La Côte des Neiges*; that notice of renewal of the said deed was registered in the registration division of Montreal West on the 29th of May, 1875, under the number 6946, and that by such registration the said lot number 130 became hypothecated for the sum of fourteen thousand dollars, (\$14,000.00), and interest, in favour of the vendors;

That by deed of discharge of the 12th of September, 1890, before N. Pérodeau, notary, registered at length at the registry office for the division of Montreal West on the 18th of November, 1890, under the number 119864, and in the registration division of the counties of Hochelaga and Jacques-Cartier on the 12th of December, 1890, under the number 36214, by Pierre Persilier *dît* Lachapelle and others, successors to the said François Chalut and others, it appears that the said sum of fourteen thousand dollars has been entirely paid, in principal and interest;

That by deed of partition between the said Simon and Joseph Lacombe, dated the 5th of March, 1878, before N.

Pérodeau, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 16th of March, 1878, under the number 1163, the said lot No. 130 was attributed to Joseph Lacombe, who was married under community of property with Marie Louise Durant *dit* Desmarchais, and the latter, by her will of the 22nd of May, 1890, before N. Pérodeau, notary, bequeathed to her son Simon Lacombe the southeast part of said lot No. 130, with substitution in favour of the children of the said Simon Lacombe, who are the petitioners;

That by deed of sale of the 11th of July, 1910, before N. Pérodeau, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 1st of April, 1911, under No. 187850, the said Simon Lacombe sold with judicial authorization the said southeast part of said lot No. 130 to Lambert Lyman;

That by an act assented to on the 24th of March, 1911 (1 George V, 2nd session, chapter 127), the said deed of sale to Lambert Lyman was ratified and declared valid, but that by the same act it was ordered to proceed to a resale by auction;

That at the said auction sale, Louis Ovide Grothé became purchaser, and a deed of sale of the said southeast part of said lot No. 130 was made to him, in accordance with the terms of the said act, on the 19th of May, 1911, by deed passed before C. E. Leclerc, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 31st of May, 1911, under number 191230;

That by deed of sale of the 1st of June, 1911, before C. E. Leclerc, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 15th of June, 1911, under No. 192141, the said immovable was sold by the said Louis Ovide Grothé to Alfred Girard and others;

That by deed of sale of the 2nd of November, 1911, before J. W. Lévesque, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 13th of November, 1911, under No. 200901, the said Alfred Girard and others sold the said immovable to the Honourable Rodolphe Lemieux and others;

That by deed of sale of the 14th of December, 1911, before L. Bélanger, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 19th of December, 1911, under No. 203575, Joseph Lacombe sold to Alfred Girard and others the northwest part of the said lot No. 130;

That by deed of sale of the 27th of December, 1911, be-

fore J. B. Latour, notary, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 5th of January, 1912, under the number 204670, the said Alfred Girard and others sold to Jean Pierre Roux, the said northwest part of lot No. 130;

That a copy of the said deed of discharge of the 12th of September, 1890, was deposited in the registry office of the division of Montreal, with a request to cancel the registration of the hypothec for fourteen thousand dollars appearing still to affect the said immovable No. 130, under the registration of the said deed of sale of the 14th of July, 1869, and of the notice of the renewal thereof;

That the registrar refused to effect such cancellation, because it did not appear that Joseph and Simon Lacombe, who acquired the said immovable No. 130 from the legatees of the said Pascal Persilier *dit* Lachapelle by the said deed of the 14th of July, 1869, had paid the price of sale in accordance with the stipulations contained in said deed, so as to assure themselves of the reinvestment of the price of sale;

Whereas there remained due to the petitioners, by the present owners, a sum of about fifteen thousand dollars, which they have deposited in third hands, to be paid to them when the cancellation of the said hypothec of fourteen thousand dollars has been made;

Whereas the act 1 George V, (2nd session), chapter 127 was passed for the purpose of giving the purchaser a perfect title, but it may, perhaps, be insufficient to justify the registrar to effect the cancellation;

Whereas it is impossible to retrace all the heirs or representatives of Pascal Persilier *dit* Lachapelle and others, and to have recourse to the courts to cause this state of affairs to be rectified;

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

1. Upon production of a certified copy of this act, and upon deposit of a copy of the deed of discharge of the 12th of September, 1890, made before N. Pérodeau, notary, by Pierre Persilier *dit* Lachapelle and others, registered at length in the office of the registration division of Montreal West on the 18th of November, 1890, under the No. 119864, and in the office of the registration division of the counties of Hochelaga and Jacques-Cartier on the 12th of December, 1890, under No. 36214, the registrar of the registry office of the division of Montreal shall cancel the hypothec and privilege for fourteen thousand dollars resulting from the ^{Cancellation of certain hypothec, etc.}

registration in the registration division of Montreal West on the 22nd of July, 1869, under No. 54790, of a deed of sale of the 14th of July, 1869, made before Mtre. J. H. Jobin, notary, by François Chalut and others to Simon and Joseph Lacombe, and from a notice of renewal of said deed of sale, registered in the registration division of Montreal West on the 29th of May, 1875, under No. 6946, and from the deed of partition of the 5th of March, 1878, registered in the registration division of the counties of Hochelaga and Jacques-Cartier on the 16th of March, 1878, under No. 1163, and shall make mention of such cancellation wherever the same may be required insofar as lot No. 130 of the cadastré of the village of *La Côte des Neiges* is concerned.

Coming into
force.

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