



CHAPTER 130

An Act to validate the title of a certain immoveable belonging to Alemay Realities Limited

[Assented to, the 1st of April, 1927]

WHEREAS Alemay Realities Limited, a body politic and corporate having its chief place of business in the city and district of Montreal, has, by its petition, represented:

That on the 23rd of December, 1924, by deed of sale executed before H. E. Herschorn, N. P., by Samuel Wener, Samuel Hart and Abraham Nissenson, it has acquired that certain lot of land forming the easterly corner of Mayor street and St. Alexander street, in the city of Montreal, known and designated on the official plan and book of reference of the St. Lawrence Ward of the said city as lot No. 217, the said lot having a frontage on Mayor street of one hundred and seventy feet six inches and a frontage on St. Alexander street of eighty-five feet six inches, having a total superficies of thirteen thousand nine hundred and forty square feet, the whole English measure and more or less, with the buildings erected upon part of said lot, bearing civic numbers 137 to 151, inclusive, St. Alexander street, and that they intend building on the said immoveable a large building which will involve the expenditure of a large sum of money, part of which it intends to provide by means of an issue of bonds or debentures secured on the said immoveable, and that the deed hereabove mentioned has been registered on the 24th of December, 1924, under number 68584;

That the said vendors had acquired the said immoveable on the 19th of October, 1923, by deed of sale executed before E. H. Reilly, N.P., from Ralph E. Allan, in trust, Ralph A. Corley, Dame Mary Agnes Keenan, widow of the late Charles W. Nicklaus, in her quality of sole sur-

viving executrix of the last will and testament of the late Dame Mary Catherine Corley, widow of the late Patrick Keenan, Miss Evangeline Carroll, Henry Park, M.D., and Miss Florence E. Wall, in their quality of executors under the last will and testament of the late Dame Theresa F. Corley, widow of the late Stephen A. Wall, and that the said deed has been duly registered on the 20th of October, 1923, under No. 31513;

That the said Ralph E. Allan, in trust, had become owner of the above immoveable by deed of sale executed on the 12th of June, 1917, before W. B. S. Reddy, notary, by the Corner Realities Limited, and that the said deed was duly registered on the 4th of July, 1917, under number 104,771;

That on the same date (June 12th 1917), before W. B. S. Reddy, notary, the said Ralph E. Allan, in trust, declared that he purchased, in trust, the above described property from the said Corner Realities Limited on behalf of Joseph Alexander Corley, Dame Mary Agnes Keenan, widow of Charles W. Nicklaus, the sole surviving executrix under the last will and testament of the late Dame Mary Catherine Corley, widow of the late Patrick Keenan, Miss Evangeline Carroll, Henry Park, M.D., and Miss Florence E. Wall, in their quality of executors under the last will and testament of the late Dame Theresa F. Corley, widow of the late Stephen A. Wall and Miss Margaret Corley;

That the said Joseph Alexander Corley, by deed of sale executed before W. B. S. Reddy, Notary Public, on the 4th of December, 1917, sold to Ralph A. Corley, all his rights in the above-described property subject to a right of redemption in favour of the vendor until the 4th of December, 1920, and that the said deed was duly registered on the 20th of December, 1917, under No. 105,945;

That on the 13th of January, 1915, previous, the said Joseph A. Corley had made his last will and testament before J. F. Reddy, notary, in virtue whereof he bequeathed the residue of his estate, in which was contained his interests in the property hereabove mentioned, to his two sons, Henry Norman Corley and Joseph Alexander Ralph Corley in equal shares, and appointed the Quebec Savings and Trust Company, his sole executor with powers extended beyond the year and day limited by law, and with power to sell real estate, and that the said will has been duly registered on the 18th of October, 1919, under No. 110,694;

That on the 13th of September, 1919, before W. B. S. Reddy, notary, the said Henry Norman Corley, one of the residuary legatees under the aforesaid last will and testament of the late Joseph Alexander Corley, renounced to all rights which he might have in the aforesaid right of re-

demption stipulated under the deed of sale of the 4th of December, 1920, hereabove mentioned, to and in favour of the said Joseph Alexander Ralph Corley, his brother, and that such deed was duly registered on the 18th of October, 1919, under No. 110,696;

That on the 17th of October, 1919, by deed of sale executed before W. B. S. Reddy, N.P., Joseph Alexander Ralph Corley, hereabove mentioned, sold to Ralph E. Allan, in trust, all his undivided rights and interests in the above described property resulting from the deed of sale hereabove mentioned of December 4th, 1917, and the last will and testament of his father, dated January 13th, 1915, and the said renunciation of his brother in his favour on the 13th of September, 1919, as hereabove mentioned, and that the said deed was duly registered on the 18th of October, 1919, under No. 110,698;

That on the 4th of December, 1917, before W. B. S. Reddy, Dame Margaret Corley sold to Ralph A. Corley, all her rights in the said immoveable hereabove mentioned, subject to redemption by her until the 4th of December, 1920, and that the said deed was duly registered on the 20th of December, 1917, under No. 105,946;

That on the 17th of October, 1919, before W. B. S. Reddy, notary, the said Ralph E. Corley sold to Ralph E. Allan, in trust, his whole undivided right in the above described property resulting from the deed of sale hereabove mentioned and subject to the right of redemption stipulated therein, and that the said deed was duly registered on the 18th of October, 1919, under No. 110,699;

That it appears that these different transactions have been effected for the purpose of returning the property hereabove mentioned in the trusteeship of Ralph E. Allan for the benefit of the four original parties mentioned in the deed of the 12th of June, 1917, hereabove mentioned, but that no declaration of this trust has been made;

That under this trust, the trustee had the right to dispose of this property;

That he has done so jointly with Ralph A. Corley, Dame Mary Agnes Keenan, widow of Charles W. Nicklaus, acting in her quality of sole surviving executrix of the last will of her mother the late Dame Mary Catherine Corley, widow of the late Patrick Keenan, Miss Evangeline Carroll, Henry Park, M.D., and Miss Florence E. Wall, acting in their quality of executors under the last will and testament of the late Dame Theresa F. Corley, widow of the late Stephen A. Wall, by the deed of sale of October 19th, 1923, hereabove mentioned;

That the purchase price of this immoveable has been, by

deed of sale, made payable to the trustee and to the other vendors mentioned in the said deed of sale, who apparently were empowered to dispose of the property;

That doubts have arisen upon the validity of the title of the petitioner who has paid a substantial purchase price for the said immoveable and is intending to make large expenditure for its development;

That the petitioner wishes to remove such doubts and better define his rights;

Whereas the petitioner has prayed that his purchase title be confirmed and ratified; and

Whereas it is expedient to grant such prayer;

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

Deeds of
sale con-
firmed and
ratified.

1. The deed of sale of the 23rd of December, 1924, executed before H. E. Herschorn, N.P., by Samuel Wener, Samuel Hart and Abraham Nissenson in favour of Alemay Realities Limited, registered on the 24th of December, 1924, under No. 68,584, is confirmed and ratified in its form and tenor for all legal purposes whatever, and the deed of sale of the 19th of October, 1923, executed before E. H. Reilly, N. P., by Ralph E. Allan, in trust, and others in favour of Samuel Wener and others, is also confirmed and ratified.

Coming into
force.

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