

C H A P. 146

An Act to ratify certain sales made by the Logan Estate
and others

[Assented to, 8th of March, 1922]

Preamble.

WHEREAS *La Maison de l'Immaculée Conception* duly incorporated according to the acts of the Government of Quebec, 47 Victoria, chapter 52, and 54 Victoria, chapter 65, and established in the city of Montreal, Aristide Boileau and Ulric Boileau, of the city and district of Montreal, contractors, have, by their petition, represented:

That by a deed of sale passed at Montreal, before Mtre. W. J. Proulx, notary, the 1st of June, 1906, the succession of Sir William Edmund Logan, in his lifetime, geologist, residing in Montreal, sold to *La Maison de l'Immaculée Conception* the lots hereunder described, that is to say:

1. All that parcel of land, containing two hundred and two feet in front, on a level with Laurier avenue, by one hundred feet in depth, English measure and more or less, bounded in front by Laurier avenue, behind by a lane, on one side by Cardinal street (Lasalle) and on the other side by Garnier street (Durham) and composed of lots of land known and designated under numbers one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty of the official subdivision of lot number three hundred and thirty-nine (Nos. 339-143, 144, 145, 146, 147, 148, 149 and 150) of the official plan and book of reference of the incorporated village of Côte St. Louis, without any buildings thereon;

2. Three lots of land situated on the level of Cardinal street (Lasalle), measuring each of them, twenty-five feet in width by ninety-one feet in depth, English measure and more or less, known and designated under numbers one hundred and twelve, one hundred and thirteen and one hundred and fourteen of the official subdivision of lot number three hundred and thirty-nine (Nos. 339-112, 113 and 114) of the official plan and book of reference of the incorporated village of Côte St. Louis, together with a strip of land five feet in width by ninety-one feet in depth, English measure and more or less, constituting part of the lot of land known and designated under number one hundred and eleven of the official subdivision of lot number three hundred and thirty-nine (No. 339-111) of the official plan and book of reference of the incorporated

village of Côte St. Louis, bounded on the front by Cardinal street (Lasalle), behind by a lane, on one side by lot number one hundred and twelve of the official subdivision of the same lot number three hundred and thirty-nine and on the other side by the remainder of said lot number one hundred and eleven of the official subdivision of the same lot number three hundred and thirty-nine, the whole without any buildings thereon;

3. Three lots of land situated on the level of Garnier street (Durham) measuring each twenty-five feet in width by ninety-one feet in depth, English measure and more or less, known and designated under numbers one hundred and forty, one hundred and forty-one and one hundred and forty-two of the official subdivision of lot number three hundred and thirty-nine (Nos. 339-140, 141 and 142), of the official plan and book of reference of the incorporated village of Côte St. Louis; together with a strip of land five feet in width by ninety-one feet in depth, English measure and more or less, constituting part of the lot of land known and designated under number one hundred and thirty-nine of the official subdivision of lot number three hundred and thirty-nine (No. 339-139) of the same official plan and book of reference, bounded in front by Garnier street (Durham), behind by a lane, on one side by the above described lot number one hundred and forty of the official subdivision of the same lot three hundred and thirty-nine and on the other side by the remainder of the said lot number one hundred and thirty-nine, without any buildings thereon;

4. A private lane twenty feet in width by one hundred and two feet in length, English measure and more or less, which lane, situated at the rear of the said above described lots, communicates with the said Cardinal street (Lasalle) and the said Garnier street (Durham) and is known and designated under number one hundred and forty-two "A" of the official subdivision of lot number three hundred and thirty-nine (No. 339-142 "A") of the official plan and book of reference of the incorporated village of Côte St. Louis;

5. A strip of twenty feet in width by eighty feet in length beginning at the north-west part of a lane situated at the rear of lots in the second and third paragraphs hereinabove described and known and designated under number one hundred and fourteen "A" of the official subdivision of lot number three hundred and thirty-nine (No. 339-114 "A") of the official plan and book of reference of the incorporated village of Côte St. Louis, with right of way in the remainder of said lane as well as in any other

lane communicating with the said lane (No. 339-114 "A") and in particular in that which the said vendor has to open in order to replace lane No. 339-142 "A" above described and actually sold and bearing numbers one hundred and eleven and one hundred and thirty-nine of the same subdivision of the said official number 339, in common with all those that have or may have a right therein, under the ordinary charges of maintenance;

That by this deed of sale passed at Montreal before Mtre. J. W. Proulx, the 17th October, 1908, the estate of Sir William Edmund Logan sold to *La Maison de l'Immaculée Conception* the following lots of lands hereinafter described:

1. Four lots of land fronting on Lasalle street in the St-Denis ward of the City of Montreal, containing twenty-five feet in width by ninety-one feet in depth, English measure and more or less, known and designated as lot numbers one hundred and seven, one hundred and eight, one hundred and nine and one hundred and ten of the official subdivision of lot number three hundred and thirty-nine (Nos. 339-107, 108, 109 and 110) of the official plan and book of reference of the incorporated village of la Côte St. Louis;

2. Four lots of land fronting on Garnier street in the St. Denis ward of the city of Montreal, containing twenty-five feet in width by ninety-one feet in depth, English measure and more or less, known and designated as lots numbers one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven and one hundred and thirty-eight of the official subdivision of lot number three hundred and thirty-nine (Nos. 339-135, 136, 137 and 138) on the official plan and book of reference of the incorporated village of la Côte St. Louis;

3. A parcel of land situated at the same place, containing five feet in width by ninety-one feet in depth, English measure and more or less, forming part of lot number one hundred and six of the official subdivision of lot number three hundred and thirty-nine (No. 339-Pt. 106) of the official plan and book of reference of the incorporated village of la Côte St. Louis, bounded in front by Lasalle street, in rear by a lane, on one side by the lot number one hundred and seven of the official subdivision of said lot number three hundred and thirty-nine and on the other side by the remaining part of said lot No. 339-106;

4. A parcel of land situated at the same place, containing five feet in width by ninety-one feet in depth, English measure and more or less, forming part of lot number one hundred and thirty-four of the official sub-

division of lot number three hundred and thirty-nine (No. 339-134) of the official plan and book of reference of the incorporated village of la Côte St. Louis, bounded in front by Garnier street, in rear by a lane, on one side by lot number one hundred and thirty-five of the official subdivision of said lot number three hundred and thirty-nine and on the other side by the remaining part of said lot No. 339-134, without buildings;

That the lots of land above described form a block covering all the quadrilateral comprised between Laurier avenue, to the north, Boulevard St. Joseph, to the south, Garnier street, to the east, and De Lanaudière street to the west, in the city of Montreal;

That the two deeds above mentioned give to the said *Maison de l'Immaculée Conception* an absolute right of ownership to all the lots comprised in this quadrilateral with the exception, nevertheless, of lots Nos. 339-111 and 339-139 situated in the centre of the said quadrilateral;

That by the terms of the deed of sale of June 1st, 1906, the Logan estate only granted to *la Maison de l'Immaculée Conception* a right of passage over the said lots numbers 339-111 and 339-139 on which it bound itself to open a lane;

That among the lots sold by virtue of the said deed of sale of the 1st June 1906, lot 339-142 "A" was a lane, the complete ownership of which the Logan estate ceded to *La Maison de l'Immaculée Conception*, which lane was to be used by the latter as it should deem fit and be replaced by that mentioned in the preceding paragraph and which the Logan estate was to open on lots 339-111 and 339-139;

That at the time of the purchase of the lots mentioned in the deed of sale of the 1st June, 1906, *La Maison de l'Immaculée Conception* and the Logan estate had reason to believe that the parish church of St- Stanislas of Montreal would be built on lots 339-143 to 339-150, as well as on the above mentioned lane 339-142 "A", and it was because of this fact that the said lane 339-142 "A" was sold by the Logan estate and bought by *La Maison de l'Immaculée Conception* with full property rights and that a stipulation of a right of passage was made on lots 339-111 and 339-139 to be used as a lane to replace that situated on lot 339-142 "A";

That by the terms of the deed of sale of June 1st, 1906, it is evident that the Logan estate did not have the intention of utilizing the ground of the said lots 339-111 and 339-139 nor to avail itself sooner or later of its right of property on these lots, either to sell them, or to build thereon;

That by only granting a right of passage over the said

lots 339-111 and 339-139 the said Logan estate had evidently only had in view the utility that it might derive from these lots which were to be converted into a lane for the balance of the other lots situated farther down which then remained its property, but which it subsequently transferred and sold to *La Maison de l'Immaculée Conception* by a deed of sale of the 17th October, 1908;

That the subsequent sale of these lots by deed of 17th October, 1908, has practically caused the Logan estate to lose all interest in its right of property over the ground of the said lots 339-111 and 339-139.

That once *La Maison de l'Immaculée Conception* became owner, by virtue of the two deeds, of all the quadrilateral above described, no other person had any interest that the said lots 339-111 and 339-139 should be left as a lane;

That by reason of the wording of the deed of June 1st, 1906, as regards these lots 339-111 and 339-139, *La Maison de l'Immaculée Conception*, believing itself the owner of the ground of these lots, did, on the 8th May, 1921, enter into a deed of sale with Mr. Aristide Boileau, by which it ceded and transferred to him lots 339-107, 108, 135, 136, 137, 138, 139, 140, 141 and 142 in full ownership;

That before the passing of the said deed of sale, neither the vendor nor the buyer, nor representative, perceived that the deed of June 1st, 1906, only gave literally to the *La Maison de l'Immaculée Conception* a right of passage and not a right of ownership over the said lot 339-139;

That *La Maison de l'Immaculée Conception* has remained in possession of lot 339-111;

That a building has since been erected by Mr. Aristide Boileau on lot 339-139, and it is only recently that doubts have arisen as to the right of *La Maison de l'Immaculée Conception* to sell the above mentioned lot 339-139;

That there then remained no means for *La Maison de l'Immaculée Conception* to complete and validate its title to this lot, except by applying to the Logan estate;

That the said Logan estate has long since been liquidated and no longer exists;

That it has not been possible to locate any of the heirs, legatees, executors, representatives or *ayants cause*, to the estate, in Canada, England or elsewhere;

That *La Maison de l'Immaculée Conception* and other persons have taken all the necessary steps to locate some representative of the said Logan estate but without having succeeded in doing so;

That there exists absolutely no legal means of regularizing this situation except the passing of an act to that effect;

That *La Maison de l'Immaculée Conception* desires to have its titles to the lots 339-111 and 339-139 regularized, validated and confirmed for all legal purpose;

And whereas under the circumstances 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:

1. The deed of sale entered into by *La Maison de l'Immaculée Conception* with Aristide Boileau, before notary J. A. E. Boileau, the 8th day of May, 1921, in as much as it affects lot 339-139, is ratified, confirmed and declared to be legal and valid as regards the right of ownership of the vendor.

2. *La Maison de l'Immaculée Conception* is by the present act declared owner of lot No. 339-111.

3. The present act shall come into force on the day of its sanction.

C H A P. 147

An Act respecting the succession of the late Dame Philomène Valois, widow of Paul Lussier

[Assented to, 8th of March, 1922]

WHEREAS Joseph B. de Boucherville, advocate and King's Counsel, Henri P. Pepin, notary, both of the city of Montreal, and Gustave R. Martin, merchant, of the city of Westmount, acting in their capacity as testamentary executors of the late Dame Philomène Valois, in her lifetime, of Montreal, widow of Paul Lussier, advocate, in his lifetime, of the same place, have by their petition represented:

That doubts have arisen as to the power of the said testamentary executors to receive and give a discharge for a sum of three thousand one hundred and thirty-six dollars and fifty-five cents, which Frederick Gold Lyman acknowledges to be due to the said Dame Philomène Valois, as the balance of the price of sale which the latter consented to him of lot No. 28 of the official plan and book of reference of the village of Hochelaga, before Mtre Henri P. Pepin, N. P., on the 18th of November, 1910, and a copy of which has been registered in the registration office of Hochelaga

Preamble.