



CHAPTER 22

An Act to validate the title to certain property sold by the heirs of the late Dame Mary Ellen Harrison, widow of the late James Bryce

[Assented to, the 10th of June, 1936]

WHEREAS Christine Fraser Bryce and Muriel Florence Preamble.

Bryce, both of the city of Westmount, spinsters of the full age of majority, have, by their petition, represented:

That the late Dame Mary Ellen Harrison, widow of the late James Bryce, in her lifetime of the city of Westmount, died on the 13th of April, 1930, leaving a last will and testament executed in holograph form on the 28th of March, 1921, and probated in the Superior Court of this Province, sitting in and for the district of Montreal, on the 6th of May, 1930;

That the testatrix by her said will bequeathed all her property to her two daughters, the said petitioners, in equal shares, and further provided *inter alia* as follows:

“Should Christine Fraser Bryce and Muriel Florence Bryce marry or be deceased the entire estate and effects are to be divided equally amongst the surviving members of the family.”;

That the above quoted clause of the said will has heretofore been interpreted in the sense that “the surviving members of the family” therein referred to comprised only the descendants of the testatrix who survived her and that the said clause would have effect only if the said petitioners should both have married or been deceased at the time of the death of the testatrix;

That the said petitioners were at the time of the death of the testatrix and still are unmarried;

That among the property so bequeathed to the said petitioners by the testatrix was a vacant lot situate on

Cedar Avenue in the city of Montreal, being subdivision No. 12 of Lot No. 1725 on the official cadastral plan and in the book of reference for the St. Antoine ward of the city of Montreal;

That the said will and a declaration of transmission describing the said subdivision lot and a certificate establishing the payment of succession duties thereon in connection with the estate of the testatrix were duly registered against the said subdivision lot;

That, by deed of sale executed before Herbert Bayne McLean, notary, on the 11th of June, 1935, under No. 6720 of his minutes, the said petitioners sold the said subdivision lot to Andrew Sidney Dawes, of the said city of Montreal, engineer;

That all the descendants of the testatrix (other than the said petitioners) who survived her, namely, William Harrison Bryce, manager, and his only children James Gordon Bryce, clerk, and Eileen Blair Bryce, spinster, John Fraser Bryce, customs broker, George Bryce Cheese, salesman, being the only child of the late Dame Mary Grace Bryce, wife of George Cheese, and Dame Mildred Bryce, wife of George Harrower, salesman, and her only child, Elizabeth Harrower, a minor, all of the said city of Montreal; Dame Marion Bryce, wife of Thomas H. Blair, manager, and her only child, Douglas Blair, clerk, all of the city of Ottawa in the Province of Ontario; and Dame Gertrude Bryce, wife of Charles P. Archibald, manager, and her only child, Ann Archibald, a minor, all of the city of Niagara Falls in the said Province of Ontario—the said minor children, Elizabeth Harrower and Ann Archibald, each being represented by and acting through her tutor and all of the said married women being duly authorized by their respective husbands—intervened in the said deed of sale and declared that they (with the said petitioners) were the only members of the family who survived the testatrix and acknowledged that the above quoted clause of the said will was and always had been interpreted by them in the sense hereinbefore mentioned, and that the title to the said subdivision lot was and always had been since the death of the testatrix vested in the said petitioners in absolute ownership, free from any claim on the part of said intervenants, and declared themselves to be content and satisfied with the said deed of sale, and in so far as might be necessary ceded and transferred to the said Andrew Sidney Dawes all right, title, claim and interest which they or any of them might then or thereafter have in or to the said subdivision lot;

That doubts exist as to the correctness of the aforesaid interpretation of the above quoted clause of the said will and as to the validity of the declarations and acknowledgments and cession and transfer made in the said deed of sale by or on behalf of the intervenants, the said minor children, Elizabeth Harrower and Ann Archibald, and as to whether the title to the said subdivision lot was vested in the said Andrew Sidney Dawes by and in virtue of the said deed of sale;

That it is expedient that such doubts be removed; and

Whereas it is expedient to grant the prayer contained in the said 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 deed of sale from the said petitioners to Andrew Sidney Dawes executed before Herbert Bayne McLean, notary, on the 11th of June, 1935, under No. 6720 of his minutes, of subdivision No. 12 of lot No. 1725 on the official cadastral plan and in the book of reference for the St. Antoine ward of the city of Montreal, is hereby declared legal, valid and binding for all purposes upon all persons by or on behalf of whom it was signed, and it is hereby declared that the said deed of sale had the effect of vesting in the said Andrew Sidney Dawes all the right, title and interest formerly belonging to Dame Mary Ellen Harrison, widow of the late James Bryce, in and to the said subdivision lot, and the said deed of sale is hereby ratified and confirmed.

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

