



CHAPTER 137

An Act to ratify the title of the Montreal Trust Company
to certain property

[Assented to, the 4th of April, 1929]

WHEREAS Montreal Trust Company has, by its petition, represented that by deed of sale executed before Robert Bennett Hutcheson, notary, on the fourteenth day of June, 1913, it did purchase the property situate at the west corner of Notre Dame and St. François Xavier streets in the city of Montreal, being composed of the southeast part of lot No. 146 on the official plan and book of reference of the west ward of the city of Montreal, with the buildings thereon erected; the whole as more fully set forth in the said deed;

That the said sale was so made in favour of Montreal Trust Company by Dame Harline Kimber, widow of the late Charles Richard Fox Boxer, both personally and as institute under the substitution created under the marriage contract between the said Dame Harline Kimber and her said late husband, and by The Royal Trust Company as curator to the said substitution and by the children issue of the marriage of the said Dame Harline Kimber and Charles Richard Fox Boxer;

That, under the terms of the said marriage contract, the late Henry Judah donated to the said Dame Harline Kimber the sum of two hundred thousand dollars to be paid at his death, and provided that the said amount should revert to the said Henry Judah, or his estate and succession, in the event of her dying without children surviving;

That, under a deed of agreement and settlement executed before A. D. Jobin, notary, on the 7th of January, 1888, between Dame Harline Kimber and the late Frederick T. Judah, the universal legatee named under the last will and

testament of the said Henry Judah, the said property was transferred to Dame Harline Kimber in partial settlement of the said donation;

That in the said agreement it was stipulated that Dame Harline Kimber would only have the right to sell the property upon the special authority and order made for that purpose by a judge of the Superior Court for the Province of Quebec, upon the advice of a family council, and after due notice of the application for such authority and order had been given to all parties interested in the said property under the provisions of the marriage contract;

That the said sale was made without complying with the requirements stipulated in the said agreement but was made pursuant to an authorization of the prothonotary of the Superior Court for the district of Montreal at more than the upset price fixed by the said authorization and after the notices had been given and other formalities prescribed by the said authorization had been complied with;

That the said sale was in the interest of all concerned and that part of the purchase price, to wit: the sum of forty-four thousand one hundred and forty-five dollars and forty-eight cents, which was paid in cash, has been duly invested in compliance with the order of the Honourable Mr. Justice Guerin, one of the honourable judges of the Superior Court for the district of Montreal, dated the 19th of February, 1913, and the balance of the purchase price is secured by vendor's privilege upon the said property;

Whereas doubts have been expressed as to whether the said property has been finally and definitively alienated and the title acquired by Montreal Trust Company to the property so conveyed was absolute and indefeasible and that it is expedient that all such doubts should be removed;

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:

Deed of sale
and pro-
ceedings
ratified.

1. Notwithstanding anything contained in the marriage contract between the said Dame Harline Kimber and the said Charles Richard Fox Boxer, passed before J. C. Griffin, notary, on the twenty-eighth day of November, 1874, and the deed of agreement and settlement between the late Frederick Thomas Judah and the said Dame Harline Kimber, passed before A. D. Jobin, notary, on the seventh day of January, 1888, the deed of sale of the property, therein fully described, from the said Dame Harline Kimber, both per-

sonally and as institute, The Royal Trust Company as curator to the said substitution, and Miss Cecile H. V. Boxer and others, to Montreal Trust Company, passed before Robert Bennett Hutcheson, notary, on the fourteenth day of June, 1913, and all proceedings adopted to authorize the same, are hereby expressly ratified, approved and declared valid and legal for all purposes, and the said Montreal Trust Company is declared to have acquired a good, valid and perfect title to the said property; and the balance of the purchase price due under said deed of sale shall be employed in accordance with the provisions of article 953*a* of the Civil Code; and the purchaser and any subsequent purchaser shall be discharged from following the amount once it has been so employed.

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