



CHAPTER 139

An Act respecting lot No. 235, St. Lawrence Ward,
Montreal

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

WHEREAS lot No. 235 on the official plan and in the Preamble.
book of reference of the St. Lawrence ward, in the
city of Montreal, formerly belonged to the late Dame
Isabella Rollo Middlemiss, in her lifetime wife separate
as to property and then widow of the late George Middle-
miss, esquire, and who died at the city of Montreal in or
about the year 1876; and

Whereas the said property is still vested in the heirs
and legatees of the said Dame Isabella Rollo Middlemiss
or their representatives or assigns; and

Whereas one of the children of the said Dame Isabella
Rollo Middlemiss, to wit: Dame Jane Middlemiss, of the
city of Montreal, in her lifetime wife of James Hay, who
died in the said city of Montreal on the 9th of April, 1920,
intestate and without issue, owned and possessed an un-
divided quarter-interest in said property; and

Whereas one undivided eighteenth interest in the said
intestate succession and estate of the said Dame Jane
Middlemiss Hay accrued to her niece, Dame Ethel Helen
Middlemiss, formerly wife and now widow of William
Yates Hunter, in his lifetime a Major in His Majesty's
Canadian Army, who thereupon became entitled to an
undivided one-seventy-second share and interest in the said
lot No. 235 of said St. Lawrence Ward; and

Whereas the said Dame Ethel Helen Middlemiss Hunter
has been duly interdicted for habitual insanity and is at
present a patient in the Verdun Protestant Hospital for
the Insane at Verdun, P. Q., and Walter J. Anderson, of
the city of Montreal, her brother-in-law, has been duly
appointed the curator to the said interdict; and

Whereas in view of the smallness of said undivided interest of the said Dame Ethel Helen Middlemiss Hunter in the said immoveable property, it is disadvantageous to her to have her undivided interest therein sold and disposed of by public auction in due process of law after observance of the ordinary legal formalities; and

Whereas it is in the interest and to the advantage of the said interdict that her undivided share and interest in said property be sold at the same time, to the same purchaser, on the same conditions and for the same proportionate price as the other undivided owners thereof may sell their respective undivided shares therein; and

Whereas the said Walter J. Anderson, curator to the said Dame Ethel Helen Middlemiss Hunter, has, by his petition, prayed that he be authorized to sell the undivided share and interest of the said interdict in the said immoveable property at the same time, to the same purchaser, on the same conditions and for the same proportionate price as the other undivided owners of said property may agree among themselves to accept for their respective undivided shares and interest therein; and

Whereas it is expedient to grant the prayer of said petitioner;

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

Curator authorized to sell undivided right of interdict.

1. Walter J. Anderson, of the city of Montreal, in his quality of curator to Dame Ethel Helen Middlemiss Hunter, presently interdicted for habitual insanity, or his successor in his said office of curator, duly appointed and acting as such, is hereby authorized to join with the other co-proprietors of the immoveable property in the city of Montreal, fronting on St. Catherine Street West, and known as lot No. 235 on the official plan and in the book of reference of the St. Lawrence Ward of the said city of Montreal, and to sell, either by public auction or by private sale, all the undivided right, title and interest in said immoveable property belonging or accruing to the said Dame Ethel Helen Middlemiss Hunter, provided that such sale of said undivided share and interest shall be made at the same time, to the same purchaser, on the same conditions and for the same proportionate price as the other co-proprietors of said immoveable property may agree among themselves to accept therefor, to wit: for one seventy-second part of the total price of sale thereof or whatever other share or interest therein may actually belong to the said interdict.

2. In the event of the death of the said interdict, Dame Ethel Helen Middlemiss Hunter, leaving a minor child or children as her heirs or legatees inheriting any portion of her share and interest in said immoveable property, then the tutor duly appointed and acting for such minor or minors is hereby likewise authorized to join in the sale of the said immoveable property and to sell the undivided share and interest therein of such minor or minors in the same way and on the same terms and conditions as the said curator to the said interdict as hereinbefore authorized.

In the event of death of interdict.

3. The declarations as to the ownership of any interest in the said immoveable property herein contained shall in no way establish any actual title to said immoveable property, or adversely affect any other legal claim thereto.

Declarations not to affect legal claims, etc.

4. In the event of the said interdict being vested with any undivided share and interest in those certain lots in the said city and district of Montreal known as subdivision lots three hundred and sixty-five, three hundred and sixty-six, three hundred and sixty-seven, three hundred and sixty-eight and three hundred and sixty-nine of original lot number one hundred and sixty-eight (Lot 168-365, 366, 367, 368 and 369) and subdivision lots numbers three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven and three hundred and ninety-eight of official lot number one hundred and sixty-nine (Lot 169-394, 395, 396, 397 and 398) on the official plan and book of reference of the municipality of the parish of Montreal, the authorization hereinbefore granted to her said curator in respect of the said lot No. 235 of the said St. Lawrence Ward shall also apply to any sale of the undivided share and interest of said interdict in any said other immoveable properties now belonging or hereafter accruing to her.

In the event of interdict being vested with undivided share, etc., in certain lots.

5. In the event of the death of the said interdict, leaving a minor child or children having any interest in the said immoveable properties above described, the tutor to such child or children is hereby likewise authorized to join in the sale of the said properties and to sell the undivided share and interest of the minor or minors therein in the same way and on the same terms and conditions as the said curator to the said interdict as hereinbefore authorized.

In the event of death of interdict.

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

Coming into force.