

chapter 114, and replaced by section 2 of the act 4 George V, chapter 133, is further replaced by the following: replaced.

“4. The sum of seven thousand dollars mentioned in section 1 of this act shall be payable by monthly instalments on the first of every month beginning on the 1st day of January, 1921, and shall be in the nature of an alimentary allowance, and as such shall not be assignable nor liable to seizure.” How sums are payable.

3. Section 3 of the act 1 George V (1st session), chapter 114, as replaced by section 3 of the act 4 George V, chapter 133, is again replaced by the following: 1 Geo. V. (1910), c. 114, s. 3, replaced.

“3. The testamentary executors and administrators of the estate of the late John Pratt shall pay out of the excess of the revenues over the expenses of the estate (but including the accumulated or capitalized revenues), but only after providing for the advances above mentioned, to each of the testator's children: Charles Alfred Pratt, Evelyn Marie-Louise Pratt, Virginie Pratt, and Aloysia Pratt, an additional sum of six thousand five hundred dollars per annum, beginning on the first day of January 1921. Such sum shall be in the nature of an alimentary allowance, shall not be assignable nor liable to seizure, and shall cease to be paid at the death of each of the said children.” Additional sum to be paid to children of testator.

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

CHAP. 169

An Act respecting the estate of the late Edward Rawlings

[Assented to, 25th of February, 1921]

WHEREAS Henry Edward Alexander Rawlings and Walter Thomas Rawlings, of the city of Montreal, in their qualities of executors and trustees under the last will and testament of the late Edward Rawlings, in his lifetime of the city and district of Montreal, and Richard Bois Scott in his quality of curator duly appointed to the substitution created under the said last will and testament, have, by their petition, represented: Preamble.

That the late Edward Rawlings, in his lifetime of the city of Montreal, died at the city of Montreal on the 12th day of December, 1911, leaving a holograph will, dated the 2nd of May, 1910, which was duly probated in the Superior Court for the district of Montreal on the 18th of December, 1911, and was in the following terms:

“Montreal, 2nd May, 1910

“Memorandum concerning my estate, in case of my death, hereby cancelling and rendering void and of no effect any previous will (only *one* made before Ernest Stuart, N. P.)

“After providing legacies and bequest mentioned in an accompanying memorandum I desire and direct that my estate be divided into seven parts: two (2) to my widow and one part to each of my children for their sole benefit and use, and on the death of my widow, her two-sevenths revert to my estate are to be by my executors held in trust for the benefit of my grandchildren to be invested in sound securities and become their absolute property on their each of them attaining the age of twenty-five years.

(Signed) E. RAWLINGS,

“Montreal, 2nd May, 1910.

“The house, grounds, furniture and pictures to remain for the use of my widow during her lifetime and then added to legacies to grandchildren.

(Signed) E. R.

“I name my sons Henry Edward Alexander and Walter Thomas joint executors with my widow, Lucretia Carter Rawlings, my executors to this my will.

(Signed) E. R.

2-5-1910”

That the house and grounds referred to above are more fully described as follows:

“A piece or parcel of land fronting on Simpson street in St. Antoine ward, city of Montreal, composed of the following lots and parts of lots, namely:—

“1. The lot known and designated as number 1738 of the official plan and book of reference of St. Antoine ward of the said city, measuring 150 feet in width by a depth of 144 feet 4 inches on the south-east side, and 147 feet on the north-west side and containing 21,988 feet in superficies, English measure; bounded in front to the south-west by Simpson street, in rear to the north-east by lot 1740, on the one side to the north-west by lot 1737, secondly herein described, and on the other side to the south-east by lot 1739 and part of lot 1739 letter A (Pt. 1739-A), all of the said official plan and book of reference;

"2. The lot known and designated as number 1737 of the official plan and book of reference of said St. Antoine ward, measuring 104 feet in width by a depth of 147 feet on the south-east side, and 148 feet 6 inches on the north-west side, and containing 15,366 feet in superficies, English measure; bounded in front by Simpson street, in rear by part of lot 1740, on one side to the south-east by lot 1738 hereinabove firstly described, and on the other side to the north-west by part of lot 1736, all of the said official plan and book of reference;

"3. Part of lot known and designated as number 1736 of the official plan and book of reference of said St. Antoine ward, measuring 75 feet 6 inches in width in front, 76 feet 9 inches in width in rear, by a depth of 141 feet on the south-east side, and 140 feet on the north-west side, and containing 10,696 feet in superficies, English measure; bounded in front to the south-west by Simpson street, in rear to the north-east and on one side to the north-west by other portions of said lot 1736, and on the other side to the south-east by part of lot 1737 hereinabove secondly described;

"The whole containing a total superficies of 48,050 feet English measure and as shown within the lines edged green on a plan prepared by Malcolm D. Barclay, Q.L.S., and dated 22nd of May, 1919;

"With also the dwelling-house and other buildings erected on said piece or parcel of land";

That by judgment of the Superior Court for the district of Montreal, dated January 24th, 1912, in an action bearing No. 3749 of the records of the said Superior Court, in which the executors and trustees of the said Edward Rawlings were plaintiffs, and all the heirs and legatees of the said late Edward Rawlings, and the curator to the substitution created under his said last will and testament, were defendants, it was declared and adjudged that the late Dame Lucretia Carter Rawlings, widow of the said late Edward Rawlings, having been in community of property with him, was the owner of one half of the said house and grounds;

That by judgment of the said Superior Court, dated the 7th of June, 1912, in an action bearing No. 3749 of the records of the said Superior Court, in which the said Dame Lucretia Carter Rawlings and Henry Edward Rawlings were plaintiffs, and the heirs of the said Edward Rawlings, and the said curator to the said substitution, were defendants, it was ordered that defendants proceed with plaintiffs to a partition of the community which subsisted between the said late Edward Rawlings and the said

Dame Lucretia Carter Rawlings, before H. M. Marler, N.P.;

That on the 27th of June, 1912, the partition of the said community before H. M. Marler, N.P., was duly executed, wherein and whereby it was stated as follows:

"The house, No. 41 Simpson street, grounds, furniture and pictures, being substituted under the will, and as Mrs. Rawlings does not at present, owing to her share therein as having been common as to property with her husband, demand partition thereof, the same have, with the consent of all parties, been excluded from the present partition," the said house and grounds being the property hereinabove referred to and described;

That said partition was duly homologated by the said Superior Court by judgment dated 28th of June, 1912;

That during her lifetime the said Dame Lucretia Carter Rawlings held the said property in respect to one undivided half as absolute owner thereof, and in respect to the other undivided half as institute under the substitution created by the last will and testament of her said late husband;

That the said Dame Lucretia Carter Rawlings died at the city of Montreal on the 17th day of July, 1917, leaving a last will and testament passed before Henri Baby, N.P. and Frank E. McKenna, N.P., dated the 28th of May, 1917, whereby she appointed your petitioners, Henry Edward Alexander Rawlings and Walter Thomas Rawlings and Alicia Lucretia Rawlings, spinster, her executors and administrators, continuing their authority as such beyond the year and day limited by law, and granting them seizin of and vesting them with the whole of her property and estate for the purposes of carrying into effect the provisions of the said will, with full power of sale in respect of all her property, both moveable and immoveable;

That upon the death of the said late Dame Lucretia Carter Rawlings, the said property referred to in paragraph 2 hereof devolved, in respect to one undivided half, to her said executors and administrators, and in respect to the other undivided half, to your petitioners in their qualities of executors and trustees under the said will of the said late Edward Rawlings for the benefit of the latter's grandchildren, as above recited;

That your petitioners have since the death of the said late Dame Lucretia Carter Rawlings held, and are still holding, the said property in undivided ownership with the said executors and administrators of the said Dame Lucretia Carter Rawlings;

That all the children of the said Dame Lucretia Carter Rawlings, except the said Dame Alicia Lucretia Rawlings, and G. W. Rawlings, are married and have children;

That the said property is situated in a high class residential district of the city of Montreal, and the greater part of same is composed of gardens and grounds surrounding the dwelling house, and is unproductive;

That it is impossible to lease the residence situated on said property at an adequate rental, and that the cost of up-keep of, and the taxes payable on, said residence are totally out of proportion to the revenue derived therefrom, and constitute an unfair and unreasonable charge on such revenues;

That the said property is not susceptible of convenient and equitable division according to the rights of the various interested parties;

That it is in the interests of all parties that said property be sold, but that doubt exists as to the power and authority of your petitioners, Henry Edward Alexander Rawlings and Walter Thomas Rawlings, as executors and trustees under the terms and provisions of the said last will and testament of the said late Edward Rawlings, to sell the undivided interest in said property held by them as aforesaid;

That the heirs and representatives of the said Dame Lucretia Rawlings desire and are entitled to obtain a partition of the property in question, which under the circumstances would necessarily result in a judicial partition and a sale by way of licitation, the whole to the detriment and prejudice of the interests of the grandchildren of the said late Edward Rawlings;

And whereas the petitioners have prayed for the passing of an act authorizing them to sell said property jointly with the executors and administrators of the said Dame Lucretia Carter Rawlings, and 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:

1. The testamentary executors and trustees, under the last will and testament of the late Edward Rawlings, and the curator to the substitution created under the said last will and testament, are hereby authorized and empowered to sell and convey jointly with the executors and administrators of the late Dame Lucretia Carter Rawlings, said hereinabove described property, either in block or in portions or lots from time to time, and either by public auction or private sale.

Authoriza-
tion to sell
certain
property of
estate.

2. The said testamentary executors and trustees shall be entitled to receive the share of the price of any such

Investment
of proceeds.

No obligation upon purchaser.

sale or sales accruing to the succession of the said late Edward Rawlings, and to give a valid acquittance or acquittances therefor, such share to be held and dealt with by them for the benefit of the grandchildren of the said late Edward Rawlings, in accordance with the provisions of his last will and testament, and invested by them in accordance with the provisions of articles 981o and following of the Civil Code,—provided, however, that no purchaser of the whole or any part of the said property shall be in any way bound to see to the employment of such share of the purchase price as aforesaid.

Coming into force.

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

CHAP. 170

An Act to provide for the administration of the estate of the late Thomas Connolly Aylwin

[Assented to, 19th of March, 1921]

Preamble.

WHEREAS Dame Marion Louise McGie, of the city of Quebec, widow of the late Thomas Connolly Aylwin, in his life time of the same place, Advocate, acting as well personally as in her quality of curatrix to her daughter,, Marion Elizabeth Cushing Aylwin; Mildred Louise Aylwin, of the city of Quebec, acting as well personally as in her quality of executrix of the will of her late father, the said Thomas Connolly Aylwin; Dame Isabel Ruth Aylwin, wife separate as to property of Major M. H. Labbé, of the City of Quebec, and by the latter duly authorized for the purposes hereof; and the Royal Trust Company, acting as co-executor with the said Mildred Louise Aylwin under the last will and testament of the said late Thomas Connolly Aylwin, have by their petition represented:

That the said late Thomas Connolly Aylwin died at the city of Quebec, on the 17th day of October, 1920, leaving his last will and testament in holograph form dated the 20th day of October, 1919, and which was probated by the Superior Court in and for the district of Québec, on the 21st day of October, 1920; the whole as more fully appears on reference to the said will and probate thereof;

That, by his said will, he bequeathed to his wife, Marion Louise McGie, the usufruct of all the property, moveable and immoveable, of which he might die possessed, sub-