

C H A P. 150

An Act respecting the estate of Harrison Stephens

[Assented to, 14th of February, 1920]

Preamble.

WHEREAS Samuel Sheldon Stephens, of the city of Montreal, gentleman, and Dame Félicie E. de Kalisz of the same place, wife common as to property of the said Samuel Sheldon Stephens, and by the latter duly authorized, and Eugène Lafleur, advocate and King's Counsel, of the same place, have, by their petition, represented the following facts:

That lot No. 168 of the official plan and book of reference for the west ward of the city of Montreal and the buildings thereon erected were bequeathed by the late Harrison Stephens, partly to Helen Young Stephens, wife of George Gregory Smith, partly to Florence Stephens of the city of Montreal, wife separate as to property of Frank Stephen, now residing in Scotland, and partly to the said Samuel Sheldon Stephens;

That, under the said will, the said Helen Young Stephens, Florence Stephens and Samuel Sheldon Stephens are institutes in the substitution in favour of their children and grand-children, and the testator has moreover forbidden the alienation of the said immoveable on penalty of the nullity thereof;

That it is also declared by the said will that the portion of lot No. 168 bequeathed to the said Samuel Sheldon Stephens was to remain specially hypothecated, with the other immoveables bequeathed to him, to the amount of sixty-six thousand six hundred and sixty-seven dollars, as guarantee for a life rent of four thousand dollars in favour of the widow of the said Samuel Sheldon Stephens;

That, as to the substitution of the share bequeathed to Dame Helen Young Stephens, it has now lapsed through the death of the said legatee and institute without leaving any children, and that the said Samuel Sheldon Stephens has, through various purchases, become the incommutable owner of that part of the said immoveable, which he, by the deed of sale dated the 22nd of July, 1919, before Mr. Joron, N. P., sold to Chas. E. F. Dumaresq;

That a portion of the said immoveable bequeathed to Dame Florence Stephens was on the 1st of August, 1905, after fulfilment of the formalities required for a sale of substituted property, sold and adjudicated to the said petitioner, Dame Félicie E. de Kalisz Stephens, and that the said sale was completed by a deed of sale dated the

11th of October, 1905; by the said Dame Florence Stephens, wife of Frank Stephen in favour of the said Dame Félicie E. de Kalisz, passed before Mr. N. Theoret, N. P. under the No. 3186 of his minutes and registered in the registry office of Montreal West under the No. 141931;

That the said Dame Felicie E. de Kalisz Stephens, by deed of sale dated the 22nd of July, 1919, sold the immoveable above lastly mentioned to Charles Edward Falconer Dumaresq, the said deed of sale being entered into before Mr. Joron, N. P. and registered under the No. 164445 in the registry office of Montreal West;

That part of the said immoveable bequeathed to Samuel Sheldon Stephens was, after fulfilment of the formalities required by law for the sale of substituted property, sold under the authority of the court on the 3rd of July, 1919, and adjudged to the said Charles Edward Falconer Dumaresq for the sum of one hundred and seventy-eight thousand eight hundred and seventy-five dollars;

That in order to conform to the said sale and adjudication lastly mentioned, a deed of sale of the said immoveable was consented to on the 30th of October, 1919, by the said Samuel Sheldon Stephens and Eugène Lafleur, curator to the substitution created by the will of the said Harrison Stephens before Mr. Joron, N. P. under the No. 4707 of his minutes;

That doubts have arisen concerning the said sales and the adjudication by the said Dame Florence Stephens, Dame Félicie E. de Kalisz Stephens and Samuel Sheldon Stephens, on account of the provisions of the will, and also because the husband of the vendor did not intervene in the deed of sale by the said Dame Florence Stephens to the said Dame Félicie E. de Kalisz Stephens;

That moreover it is necessary that the hypothec for sixty-six thousand six hundred and sixty-seven dollars established by the will of Harrison Stephens in favour of the widow of the said Samuel Sheldon Stephens be radiated, and at present there is no person in a position to grant such radiation; and

Whereas petitioners have prayed that an act be passed to validate the sales aforesaid, to allow of the radiation of the hypothec for sixty-six thousand six hundred and sixty-seven dollars above mentioned; and

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

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

Certain
deeds of
sale valida-
ted.

1. The deed of sale passed on the 11th of October, 1905, by Dame Florence Stephens, wife common as to property of Frank Stephen, both then of the city and district of Montreal, and by Robert Meighen, curator to the substitution affecting the said Dame Florence Stephens, to Dame Félicie E. de Kalisz, wife common as to property of Samuel Sheldon Stephens, and registered in the registry office of Montreal West on the 30th of October, 1905, as well as the deed of sale made on the 22nd of July, 1919, by Dame Félicie E. de Kalisz, wife of the said Samuel Sheldon Stephens, to Charles Edward Falconer Dumasresq, passed before Mtre. Joron, N. P., under the No. 4529 of his minutes and registered in the registry office of Montreal West under the No. 164445, of the therein described immoveable, being part of lot No. 168 of the official plan and book of reference of the west ward of the city of Montreal, are all and each of them by these presents ratified, confirmed and declared legal and valid to all intents and purposes, notwithstanding the provisions of the said will, or, as regards the above deed of the 11th of October, 1905, the want of authorization by the husband.

Deed of
sale, and
sale of prop-
erty valid-
ated.

2. The deed of sale passed on the 31st day of October, 1919, before Mtre. Joron, N. P. by Samuel Sheldon Stephens and Eugène Laffleur, in his capacity of curator to the substitution made by the will of the late Harrison Stephens, under the No. 4707 of his minutes, of the therein described immoveable, being part of lot No. 168 of the official plan and book of reference for the west ward of the city of Montreal, as well as the adjudication and sale of the said immoveable under the authority of the court on the 3rd of July, 1919, established by the said deed, are hereby ratified, confirmed and declared legal and valid to all legal intents.

Mainlevée of
hypothec.

3. The said Dame Felicie E. de Kalisz Stephens is hereby authorized to give *mainlevée* of the hypothec of sixty-six thousand six hundred and sixty-seven dollars on the above described immoveable, in favour of the widow of the said Samuel Sheldon Stephens, and the registrar of the registration division of Montreal West, on presentation of said act of radiation, must effect the radiation of the said hypothec. The said Dame Félicie E. de Kalisz may accept, in the place of the said hypothec, any hypothec or other security she may deem advisable.

Investment
of the price
of sale.

4. The price of sale of the part of the said lot No. 168 of the west ward of the city of Montreal, bequeathed to the said Samuel Sheldon Stephens as institute, and herein

above lastly described, amounting to the sum of one hundred and seventy-eight thousand eight hundred and seventy-five dollars, shall be invested or deposited for the benefit of the substitution in accordance with the provisions of article 953*a* of the Civil Code, and the purchaser shall be freed from following the amount of the purchase price once for all from the moment it has been so invested or deposited.

5. This act shall come into force on the day of its ^{Coming} sanction. _{into force.}

C H A P. 151

An Act respecting the succession of the late Charles
Théodore Viau

[Assented to, 14th of February, 1920]

WHEREAS Dame Marie-Emilie Deguise, widow of Preamble.

Charles Théodore Viau, in his lifetime manufacturer, of the city of Montreal; Jean Baptiste Deguise, manufactory manager; Louis Deguise, bank manager; Théodore Viau and Théophile Viau, manufacturers; all of the city of Montreal, in their capacities of testamentary executors, administrators and fiduciary legatees of the succession of the late Charles Théodore Viau, have, by their petition, represented: that Charles Théodore Viau, manufacturer, of the city of Montreal, died many years ago;

That, in his lifetime, the said Charles Théodore Viau operated a biscuit and candy factory in the city of Montreal, under the name of "Viau & Frère";

That by his will made before Messrs. Valmore Lamarche and Victor Normandin, notaries, on the 27th of July, 1893, the said Charles Théodore Viau bequeathed the greater portion of his property to all his children with a substitution in favour of their children;

That, for the execution of the said will, the said Charles Théodore Viau appointed two testamentary executors, constituting them at the same time the administrators and fiduciary legatees of his property;

That the said testator recommended his testamentary executors to continue operating his factory for a year after the date of his death and afterwards, for such time as they might deem advisable in the interest of the estate, provided the said factory would bring in at least six per cent on the capital as ascertained by inventory;