

C H A P . 138

An Act to confirm the title to the immoveable known as lot
No. 522 of the cadastre of St. James ward, in the city
of Montreal

[Assented to 9th February, 1918]

WHEREAS Gaspard DeSerres, capitalist; Trefflé Bastien, contractor; Janvier A. Vaillancourt, trader; Ucal H. Dandurand, real estate agent; Charles LaMothe, civil employee; Dame Amanda Malhiot, widow of William LaMothe, all of the city and district of Montreal, and Jules Laframboise, of the city and district of St. Hyacinthe, manager, in his capacity as curator to the substitution affecting the estate of William LaMothe and Henry Pierre LaMothe, have by their petition represented: Preamble.

That the said DeSerres, Bastien, Vaillancourt and Dandurand became purchasers of the immoveable bearing No. 522 of the cadastre of St. James ward of the city of Montreal, at a sale by licitation on the 15th June, 1911, by the prothonotary of the Superior Court of the district of Montreal, in an action of partition and licitation bearing the No. 118 of the records of the Superior Court, wherein the said Charles LaMothe was plaintiff and the said Dame Amanda Malhiot, widow of William LaMothe, and the said Jules Laframboise *es-qualité*, were defendants, the deed of sale by the prothonotary to the said purchasers being dated 15th April, 1912;

Whereas the said immoveable originally belonged to William Craigie Holmes Coffin, in his lifetime prothonotary of the Superior Court at Montreal, and formed part of his estate at the time of his death on the 31st of December, 1865;

That, by his last will made before C. A. Terroux and colleague, notaries, on the 20th March, 1865, the said W. C. H. Coffin left his property in usufruct to his daughters Anne Coffin and Caroline Coffin during their lifetime, but if they both remained unmarried and did not enter into any religious community; if one of them should die or enter a religious community and pronounce her last vows, all his children were to share his estate equally, with the exception of two of his said daughters, who were to receive only a fixed sum, if they entered a religious community, or a life rent, if they remained unmarried and had not entered religion; that the said W. C. H. Coffin appointed as his testamentary executor Pierre LaMothe, of Montreal, notary, his son-in-law, with powers extending beyond the

year and a day and with power to lease or sell the immovables if it should become necessary to do so, and in such case, he was to follow the advice of his good friends Pierre Louis Panet and Come S. Cherrier, who had promised to assist them with their counsel;

Whereas, while the said Pierre LaMothe was testamentary executor of the said W. C. H. Coffin, all of the heirs of the latter being of full age did, by various deeds, passed between the 15th September, 1866, and the 4th August 1870, sell to the said Pierre LaMothe either their undivided share in the said lot No. 522 of St. James ward, or their rights in the estate, or both together, either directly, or through intervening persons who resold the same to the said Pierre LaMothe; that the said Pierre LaMothe remained in possession of the said immovable under the said title deeds until his death on the 20th March, 1883. and, by holograph will, dated the 25th July, 1872, probated before the Superior Court at Montreal on the 24th March, 1883, he left all his property to his wife Dame Lucie Coffin, one of the daughters of the said W. C. H. Coffin; that the said Dame Lucie Coffin, widow of Pierre LaMothe, gave the property bequeathed to her by the said Pierre LaMothe to her three sons, the said Charles LaMothe, William LaMothe and Henri Pierre LaMothe; that the said William LaMothe died, and left a holograph will and codicils, duly probated, instituting the said Dame Amanda Malhiot, his wife, his universa^l usufructuary legatee with substitution for the benefit of his grandchildren; that the said Henri Pierre LaMothe died, leaving a solemn will by which he instituted the said Dame Amanda Malhiot his universa^l usufructuary legatee, with substitution for the benefit of his nephews and nieces, children of the said Charles LaMothe and William LaMothe, appointing the said Jules Laframboise his testamentary executor, with power to effect the partition of his property; that the said Jules Laframboise was duly appointed curator to the substitution created by the wills of the said William LaMothe and Henri Pierre LaMothe; that the said action in partition, in consequence of which the said sale by licitation of the 15th June, 1911, took place, had for its object the partition between the said Charles LaMothe and the estates of the said William LaMothe and Henri Pierre LaMothe of the immovable property forming the object of the said gift by Dame Lucie Coffin to her children;

Whereas, since the purchase of the said immovable by the said DeSerres, Bastien, Vaillancourt and Dandurand, doubts have arisen as to the right which the said Pierre LaMothe had, as testamentary executor of the said W. C. H.

Coffin, to purchase the said immoveable from the heirs of the latter, and as to the fact that it does not appear that the said Pierre Louis Panet and Come S. Cherrier had approved of the said sale or had been consulted in connection therewith;

Whereas none of the heirs of the said W. C. H. Coffin who sold to the said Pierre LaMothe or their representatives, intervened in the said action in partition to claim any right to the said immoveable, nor had any of them filed any opposition for payment;

Whereas the said Pierre LaMothe and his heirs have been in peaceful and uninterrupted possession of the said immoveable for over thirty years, and it is expedient to remove any doubts that may arise as to the validity of their title and of the sale by the prothonotary to the said purchasers;

Whereas the petitioners have, by their petition prayed that the title of the heirs of the said Pierre LaMothe to the said immoveable and the said deed of sale by licitation be declared valid and be ratified for all lawful purposes, 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 title of the heirs of the late Pierre LaMothe, in his lifetime of the city and district of Montreal, notary, to the immoveable bearing the No. 522 of the cadastre of St. James ward of the city of Montreal, is ratified, confirmed and declared legal and valid for all intents and purposes.

2. It is further declared that under the deed of sale by the prothonotary of the Superior Court of the district of Montreal dated the 15th April, 1912, of the said lot No. 522 of the cadastre of St. James ward to the said Gaspard Deserres, Trefflé Bastien, Janvier A. Vaillancourt and Ucal H. Dandurand, the latter have become owners of the said immoveable.

3. Nothing in this act contained shall deprive the heirs of the said W. C. H. Coffin of any personal recourse they may have a right to exercise against the heirs of the said Pierre Lamothe to recover any part of the proceeds of the sale of the said lot No. 522 of St. James Ward.

Notwithstanding any such recourse, the payment of the purchase price to the creditors mentioned in the deed of sale by the Prothonotary, bearing date the 15th of April,

1912, shall discharge the said purchasers and the said immoveable.

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

C H A P . 139

An Act to authorize the sale of immoveable property belonging to the estate of the late Frederick Thomas Judah and of his wife, the late Sarah Caine

[Assented to 9th February, 1918]

Preamble.

WHEREAS, inasmuch as Henry Haig Judah, gentleman, Frederick R. Judah, draughtsman, Idah G. Judah, Amy Judah, the latter two *filles majeures et usant de leurs droits*, and Sarah Judah, wife of Louis Gordon Glass, being five of the institutes under the last wills and testaments of their father and mother, the late Frederick Thomas Judah, in his lifetime of the city of Montreal, advocate, king's counsel, and his wife the late Sarah Caine; and the said Louis Gordon Glass, for the purpose of authorizing his said wife herein; and John Stephen Ibbotson, surgeon dentist, in his quality of tutor to James F. Burnett, junior, a minor, grandson of the late Frederick Thomas Judah and Sarah Caine, and the only child born of the marriage of Miriam Judah, in her lifetime of the city and district of Montreal, an institute under the said last wills and testaments, widow by her first marriage of the late James Findlater Burnett, in his lifetime of the city of Montreal, at the time of her death the wife of the said John Stephen Ibbotson; and Ernest Lionel Judah, osteologist, Dorothy Hope Judah, *fille majeure et usant de ses droits*,—all of the city and district of Montreal, and Noel Fulton Judah, of Edmonton, in the province of Alberta, clerk, and the said Henry Haig Judah, Frederick Rosa Judah, Idah G. Judah, Amy Judah and Henry John Kavanagh, advocate, king's counsel, and Samuel Carsley, stock broker, both of the city and district of Montreal, the latter six persons in their quality of executors under the last will and testament of the said late Sarah Caine; William Henry P. Hill, physician, Andrew Murray, insurance agent, Thomas McL. Graham, journalist, William A. Baker, advocate, king's counsel, George Hugh Semple, recorder of Montreal, Jeffrey H. Springle, surgeon dentist, George H. Harrower, all of the city of Montreal,