

mentary executors and trustees of the late Honourable Louis Archambeault, have presented a petition setting forth the above facts and praying this Legislature to pass an act to authorize them to sell the property above mentioned; and whereas it is expedient to grant their prayer;

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

Author-
ization to
sell certain
property.

1. The testamentary executors and trustees of the late Honourable Louis Archambeault, are authorized to sell by mutual agreement a property situate at the corner of Craig and Amherst streets, in the city of Montreal, known and designated as No. 104 of the official plan and book of reference of St. James ward of the said city, for a price of at least sixty-three thousand dollars, to receive the proceeds of such sale and give a good and valid acquittance to the purchaser or purchasers.

Title to be
valid.

2. The title to be given by the said testamentary executors and trustees to the purchaser or purchasers of the said property shall be valid, absolute and immutable.

Hypothec li-
mited to
other pro-
perties.

3. The hypothec created by the will on the said property and on the two other properties of the estate to secure the payment of the rents is declared to be limited to such two other properties, and the property hereby authorized to be sold shall be freed from such hypothec.

Investment
of proceeds.

4. The proceeds of the sale shall be invested in accordance with the provisions of articles 981o and following of the Civil Code.

Coming into
force.

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

C H A P. 124

An Act to authorize Robert Archer and others to sell certain
immoveables.

[Assented to 19th February, 1914]

Preamble.

WHEREAS the persons hereinafter mentioned, have, by petition, set forth:

That the deed of sale passed on the 5th July, 1878, before Mr. H. A. Brault, N. P. under the No. 2379 of his minutes, between the honorable Eugène Chinic, senator,

party of the first part, and Alphonse Christin and others, parties of the second part, it is amongst other things acknowledged and stipulated:

That the said parties were interested jointly but unequally in an immoveable hereinafter described; that in order to determine the proportion of each one's interest they had agreed to divide the total value of the immoveable into sixteen hundred and fifty-five equal parts and allot each of the persons having rights in and to such immoveable his share, in the following proportion:

Alphonse Christin, one hundred and forty; Joseph Christin, one hundred; Joel Leduc, one hundred; L. A. Jetté, fifty; Guillaume Boivin, sixty; P.P. Martin, sixty; J. R. Thibaudeau, one hundred; P. A. Fauteux, one hundred; R. Archer, one hundred; Louis Bourget, forty; Carrier Lainé and Co, one hundred; Théodule Foisy, forty; Chinic & Beaudet, one hundred; Louis H. Blais, twenty; A. P. Caron, twenty; F. M. Audet, twenty-five; F. E. Godbout, twenty; Wm. Venner, one hundred; Hammond Gowen, forty; Honorable I. Thibaudeau, one hundred; Margaret S. Connolly, fifty; Mathias Blouin, thirty; Honourable P. Garneau, sixty; George R. Renfrew, fifty; and Jean Langlois, fifty; making in all the sixteen hundred and fifty-five parts above mentioned;

That the said Honourable Eugène Chinic further declared in the said deed, that on the 3rd September, 1875, he had acquired the said immoveable from the sheriff of the district of Quebec, which immoveable was in the said deed described and designated substantially, as follows:

"A lot or parcel of land forming part of lots 2 and 3 in the village of Stadacona, seigneurie de Notre-Dame des Anges, near the city of Quebec, within the territory of the Quebec registry office, bounded as follows: in front on the southeast by the line of high water mark of the river St. Charles, in rear to the northeast by the southeast line of Victoria street, on the northeast and south by the remaining portion of lots two and three, containing three arpents in superficies, more or less, the said lot being number "2A" on the official plan and book of reference of the parish of St. Roch-north, and of the village of Stadacona;"

That such acquisition, although effected by the said Eugène Chinic in his own name, was for the benefit and advantage of the said Alphonse Christin and other persons above mentioned, in the proportion set forth; the said Mr. Chinic having acted as their attorney and mandatary in effecting the said acquisition, and consequently he dis-seized himself of all rights in the said immoveable to vest the said Alphonse Christin and others, their heirs and assigns therewith, to all intents and purposes;

That lastly it was also stipulated by the parties to the said deed, as follows, to wit:

"In the event of one or more of the co-proprietors absenting themselves from the Province, or having no elected domicile therein, it shall be further lawful for the other co-proprietors, if they all judge the same advantageous, to hypothcate the whole of the said immoveable and dependencies for the general and acknowledged need of the other co-proprietors. They may even, in the event of such absence or non-election of domicile, sell the said immoveable and dependencies etc. for such price and sum as the said co-proprietors who are present may deem most satisfactory, and deposit to the credit of such absentees in one of the banks of the city of Montreal or of Quebec, respectively, the shares given to such absentees in the price of sale, which will bear interest, or by allowing the purchaser of the immoveable and dependencies etc. to keep such share belonging to the said absentees, until they are duly claimed, such share to also bear interest.

"Lastly, it is agreed that the majority of the co-proprietors in value may always dispose of and sell the property being the object of the present sale, at such price and subject to such charges, clauses and conditions as they may deem expedient, without the refusal of all the other co-proprietors preventing such sale, and that the proceeds of such sale revert to the dissentient proprietors, shall be handed over and deposited to their credit in a chartered bank of this Province at Quebec, or Montreal;"

That from these two clauses of the said deed, it results that the intention of the co-proprietors of the lot above described was to facilitate the sale thereof, notwithstanding the refusal of some of them to concur in the conditions agreed to by the majority and consequently avoid an impossible partition and burdensome licitation;

That since the said deed, no proceedings have been taken to sell the said lot, that the control and administration has been assumed by a mere business agent, *negotiorum gestor*, without the authority to dispose of the same, and that considerable trouble has resulted therefrom, with regard to the payment of the taxes and assessments, and the care of the property and its buildings; that the Quebec Railway, Light, Heat and Power Company is at present in possession of a portion thereof, without the consent of the co-proprietors and without giving any compensation;

That the majority of the co-proprietors above mentioned, namely twenty-three out of twenty-five are deceased since the said deed was passed, the sole survivors being Robert Archer and Sir Louis A. Jetté, the others, so far as it is possible to ascertain, having for the most part

left heirs or representatives whom, in many instances, it has been impossible to discover;

That under the circumstances it is urgent to provide a remedy for such a state of affairs, in order to protect the rights of all the interested parties;

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

1. The aforesaid Robert Archer, esquire, and the Honourable Sir Louis A. Jetté, former Lieutenant-Governor of this Province, jointly with the Honourable Alfred Thibaut, senator, of the city of Montreal; Sir George Garneau, of the city of Quebec and Francis St-Germain, of the city of Montreal, one of the testamentary executors of the late Joël Leduc, are authorized and fully empowered to sell and alienate, both for themselves and their co-proprietors or legal representatives of the latter, the said immovable and all rights and interests connected therewith, for such price as they may deem suitable, and moreover, with full power to claim, either before the courts or otherwise, and to receive payment or indemnity for them for all rights reverting to the said co-proprietors of the said immovable or their representatives on account of the same, and in particular to take against the said Quebec Railway, Light, Heat and Power Company, all such recourse or proceedings as they may deem expedient, either to have the portion of the immovable aforesaid, of which the said company has taken possession, restored to the interested co-proprietors, or to obtain any price or compensation therefor which may be deemed just, or which may be established by mutual agreement, by experts or by expropriation; lastly, to take all such steps and proceedings and exercise all claims and institute all suits which may be necessary to have the said land and all the rights granted thereto disposed of.

The powers above set forth shall be exercised within a delay of five years, during which the said Archer and others may also administer, lease or turn the said land to advantage, for the best interests of the co-proprietors. And, in the event of such sale and alienation not being effected within such five years, and of there being reason to believe that it would be to the advantage of the interested parties to wait longer, the powers conferred by this act may, on application to a judge of the Superior Court of the district of Quebec, who is hereby authorized thereto, be extended for a further period of five years.

2. Every title required for the transfer to one or more

Sale of immoveable authorized on behalf of co-proprietors.

Action against Q. R. L. & P. Co. authorized.

Delay in which powers must be exercised.

May be extended by judge in certain case.

Titles given

by those
authorized
to sell to be
valid.

purchasers of the immoveable above described, or any part thereof or of the rights connected therewith, shall be validly given by the persons mentioned in the first section, and all such titles shall, to all intents and purposes, be as valid as if they had been consented to by all the legal representatives of the deceased co-proprietors.

Claims
against im-
moveable to
be dis-
charged.

3. After the price of sale of the said immoveables has been realized, and the claims connected therewith recovered, it shall be the duty of the persons designated in section 1 to liquidate, pay and reimburse all claims that may exist against the said immoveable, or which may have already been advanced or acquitted by business agents, or others, for the preservation of the said immoveable and the advantage of the co-proprietors, as well as all expenses incurred and to be incurred in connection with the above and with the common ownership of the said lot.

Surplus to
be distribu-
ted among
co-proprie-
tors.

The surplus of the sum realized, after deducting expenses and costs as aforesaid, shall afterwards be handed to and distributed among the co-proprietors then interested in the said immoveable, in proportion to their interest established in the said deed of the 5th July, 1878, as above set forth, the representatives of the deceased co-proprietors taking their share in such distribution by roots, that is to say, to the extent of the right of such deceased co-proprietor only.

Share of
absent co-
proprietors
or represent-
atives to be
deposited
according to
Art. 1484
R.S.

In the event of the representatives of any of the deceased co-proprietors not being found, or being difficult to reach, or being absent from the Province, the proportion of the price or compensation reverting to the root which they represent, shall be deposited to their credit in the Treasury Department in accordance with article 1484 of the Revised Statutes, 1909, to be afterwards handed over to them, after their rights have been established, and such deposit shall free and relieve the persons to whom all the powers set forth in this act are given and all who may replace them, from all responsibility towards the legal representatives of deceased co-proprietors whose share shall have been so deposited.

Any share
abandoned
to be added
to the mass.

4. In the event of any representative of deceased proprietors or by any present proprietor abandoning his interests for the benefit of the other co-proprietors, the share so abandoned shall be added to the mass, to be employed and distributed in the same manner and in the same proportion.

Judge may
fill vacancy

5. In the event of the death or resignation, before the transactions above authorized are completed, of one or

more of the persons to whom the aforesaid powers are among persons em-
 given, a judge of the Superior Court for the district of sons em-
 Quebec, may, on a petition by the survivors or any other powered to
 interested party, select and appoint another proper person sell.
 from among the interested parties, to act with those
 remaining in office and with the same powers as the person
 replaced.

6. In every operation whether connected with aliena- Majority
 tion or with administration, authorized by this act, all to govern.
 decisions shall be taken by the majority of the five persons
 appointed by this act or their representatives.

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

C H A P. 125

An Act to authorize Frédéric Ethier to sell certain sub-
 stituted properties.

[Assented to 19th February, 1914]

WHEREAS Frédéric Ethier, farmer, of the parish of Preamble.
 Sault-au-Récollet, county of Laval, has, by petition,
 represented:

That, by deed of gift executed on the fifth day of Novem-
 ber, 1904, before Wenceslas Levesque, notary public, and
 duly registered, Frédéric Ethier, senior, in his lifetime,
 farmer, of the said parish of Sault-au-Récollet, county of
 Laval, gave amongst other property:

1. A lot of land situate in the said parish de la Visi-
 tation du Sault-au-Récollet, then in the county of Hoche-
 laga, containing two arpents in front by thirty-eight ar-
 pents in depth, more or less, bounded in front by the
 Rivière des Prairies, in rear by the lots of Côte St. Michel,
 on the northeast by the donor, and on the west by Frs.
 Dagenais, with a stone building, barn and other buildings
 thereon erected, the said lot being the greater portion of
 lots 58 and 59 of the official plan and book of reference of
 the said parish of Sault-au-Récollet;

2. A lot of land situate on the east side and adjoining
 the land above described, being about half an arpent in
 width by about thirty arpents in depth, more or less, and
 bounded on the east by Adolphe Drapeau, on the south
 by the lots of Côte St. Michel and on the north by Dame
 Lachapelle or representatives, without any buildings