

J. McShane, P. S. S., to sell the said property, and that the petitioner is greatly interested in removing any such doubts to the title to the immoveable properties described in the said deeds of sale;

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

Deeds of
sale ratified.

1. The deed of sale from Reverend Gerald J. McShane, P. S. S., to Fred B. Whittet dated the 11th of February, 1913, and the deed of sale from Reverend Gerald J. McShane, P. S. S., to Caron Brothers dated the 31st of October, 1912, are ratified and declared valid to all intents and purposes.

Coming into
force.

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

C H A P. 129

An Act respecting the estate of Dame Frances Jane Mary Lloyd.

[Assented to 19th February, 1914]

Preamble.

WHEREAS Dame Mary Ann Law Guilmartin Talbot of the city of Quebec, wife separate as to property of Onésiphore E. Talbot; the Honourable Charles Langelier of the city of Quebec, judge of the sessions of the peace, and the Reverend Justin MacCarthy of the city of Baltimore, all three in their capacity of testamentary executors of the late Dame Frances Jane Mary Lloyd, of Quebec, widow of the late Lawrence James Guilmartin, formerly of the city of Savannah, in the state of Georgia, have, by their petition, represented:

That Dame Lloyd, by her will made at Quebec on the 7th September, 1905, before Bélanger & Labrecque, notaries, provided, among other things, as follows:

“Clause I: I give and bequeath unto my adopted daughter Mary Ann Law Guilmartin Talbot, Louis Philippe Sirois, notary, both of the city of Quebec, and the Superior or other head in office, for the time being, of the St. Joseph Seminary or College, in the city of Baltimore in the State of Maryland, all each and every the property, both real and personal of which I may die possessed, to be held by them and their successors in office, in trust, for the following purposes.

Clause XII. On the death of the last annuitants mentioned in my will and the total extinction of all charges created thereby, my executors and trustees shall pay over and deliver to the Superior or head of the said St. Joseph Seminary or College of Baltimore, Maryland, the whole of the remainder of my estate to be held, by him, in trust and for ever, to be applied to the education, in the said St. Joseph Seminary or College, of colored youths for the priesthood."

That, by such clause XII, the St. Joseph Seminary of Baltimore could not obtain any money from the estate before the death of the last beneficiary, and that one of the latter, Lawrence Ernest Talbot, is only twenty-two years of age;

That, in order to immediately obtain money from the estate for the education of colored youths for the priesthood, the authorities of St. Joseph Seminary of Baltimore decided that it would be better to make an arrangement with Dame Mary Ann Law Guilmartin Talbot, one of the executors, the adopted daughter of the testatrix and of her deceased husband, Lawrence James Guilmartin, whereby the said seminary would receive the sum of twenty-five thousand dollars in cash to be used as stated in the will, the said Dame Mary Ann Law Guilmartin Talbot undertaking to fulfil all the obligations and charges set forth in the said will;

That the testamentary executors have deemed it in the interest of all to ratify such arrangement, which meets the views of the testatrix;

That, by a resolution duly passed by the corporation of the said Seminary on the 2nd November, 1910, the offer of twenty-five thousand dollars made by Mrs Talbot was accepted and the amount paid; that an acquittance was given her and that the said seminary, with the approval of the testamentary executors, transferred all its rights and obligations to the said Dame Mary Ann Law Guilmartin Talbot, who undertook to fulfil all the obligations of the will;

Whereas the petitioners have alleged that doubts may arise as to the thorough legality of the said transaction, and have prayed that an act be passed to ratify the said arrangement, declaring that, in so far as the laws of this Province are concerned, the said Dame Mary Ann Law Guilmartin Talbot has become the owner of all the moveable and immoveable property of the said estate on her undertaking to fulfil all the obligations stated in the will of the said Dame Frances Jane Mary Lloyd, and that the said Dame Mary Ann Law Guilmartin Talbot may dispose of all

the moveable and immoveable property, moneys, shares and other things of the said estate, give perfect titles if she sells the said properties, as well as receipts and acquittances for all money received and being the proceeds of the sale of the property of the estate, and dispose of the same as she thinks fit; 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 Quebec, enacts as follows:

Discharge declared good and valid.

1. The discharge given by the St. Joseph Seminary of Baltimore, on the 16th December, 1910, in favour of Dame Mary Ann Law Guilmartin Talbot, in consideration of the payment of twenty-five thousand dollars made by her to the said seminary and reproduced as Schedule A to this act, is declared good and valid; and the estate of the late Dame Frances Jane Mary Lloyd is, as regards the said seminary, discharged from all obligations, and the said Dame Mary Ann Law Guilmartin Talbot is and shall be the owner of all moveable and immoveable properties, stocks and other things belonging to the said estate, but upon her undertaking to discharge all obligations except those regarding the Seminary; and the immoveables of the said estate situate in the Province of Quebec, the ownership of which is thus assigned to said Dame Mary Ann Law Guilmartin Talbot, are and shall be charged with a special privilege in favor of all those receiving annuities under the said will, and each of them respectively, in the order in which they are payable, for securing to them the payment of the said annuities under the terms of said will in the same way and with the same effect as though made by a donation *inter vivos*.

Testamentary executors discharged.

2. The testamentary executors are discharged from all responsibility towards anybody, with the exception of the said Dame Mary Ann Law Guilmartin Talbot, who alone remains charged with the obligations stated in the will and assumed by her as stated in section 1, and the said Dame Talbot may receive the moneys derived from the estate and may give acquittances and perfect titles for sales of immoveables belonging to the said estate, but subject to said privileges, or on condition that the investment of that part of the purchase price necessary to secure the payment of the said annuities be made according to the provisions of article 953a of the Civil Code, *mutatis mutandis*, and in the case of such investment the registration of the deed so stating it shall effect the extinction of such privileges on the immoveables so sold.

Exception.

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

SCHEDULE A

At a meeting of the corporation of St. Joseph's Seminary of Baltimore City, held at St. Joseph's Seminary, Penna avenue and St. Mary street, Baltimore, Md., November 2nd, 1910, after due notice to all the members of said corporation, the majority of whom were present, for the purpose of giving their sanction to the matter there considered, it was unanimously

Resolved, That the offer of Mrs. Mary Ann Law Guilmartin Talbot, to pay to St. Joseph's Seminary the sum of twenty-five thousand dollars (\$25,000) in cash, in full for all claims and demands against the estate of Frances Jane Mary Lloyd Guilmartin, deceased, under the provisions of her last will and testament, duly probated in the Province of Quebec, in the Dominion of Canada, in the year 1905, said sum of twenty-five thousand dollars to be paid in cash and to be a net amount free of all court and other charges and expenses, be accepted;

And it was further resolved that Joseph Butsch be and he is hereby appointed as attorney to execute and complete the transaction and discharge the Guilmartin estate and Mrs. Talbot above referred to, of all claims, on receipt of said sum of twenty-five thousand dollars in cash.

Both of aforesaid resolutions were unanimously adopted.

(L.S.)

CHAS. B. CARROLL,

Secretary.

SCHEDULE B

To all to Whom these Presents Shall Come or May Concern,

GREETING :

KNOW YE :

That St. Joseph's Seminary, a corporation organized and existing under and by virtue of the laws of the State of Maryland and located in the city of Baltimore, in said State, for and in consideration of the sum of twenty-five thousand dollars (\$25,000) lawful money of the United States of America, to it in hand paid by Mary Ann Law Guilmartin Talbot, the

receipt whereof is hereby acknowledged, have remised, released and forever discharged the said Mary Ann Law Guilmartin Talbot and the estate of Frances Jane Mary Lloyd Guilmartin, deceased, and each and every of the executors, trustees, *ceste qui* trust and beneficiaries thereunder, their respective successors, heirs, executors and administrators, of all and from all, and all manner of action and actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialities, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever in law or in equity, which against Mary Ann Law Guilmartin Talbot and the estate of Frances Jane Lloyd Guilmartin, deceased, and each and every of the executors, trustees, *ceste qui* trust and beneficiaries thereunder, their respective successors, heirs, executors and administrators or either of them, it ever had, now has or which its successors hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents and more particularly by reason of any claim or demand that may now or hereafter arise or be made under paragraph XII of the last will and testament of Frances Jane Mary Lloyd Guilmartin, which reads as follows:

“XII: On the death of the last annuitants mentioned in my will and the total extinction of all charges created thereby, my executors and trustees shall pay over and deliver to the superior or head of the said St. Joseph’s Seminary or College of Baltimore, Maryland, the whole of the remainder of my estate to be held by him, in trust, and forever, to be applied to the education, in said St. Joseph’s Seminary or College, of colored youths for the priesthood.”

In witness whereof St. Joseph’s Seminary has caused its corporate seal to be hereunto affixed and this instrument to be executed by its proper officer the 16th day of December, 1910.

JOSEPH BUTSCH,
Rector of St. Joseph’s Seminary.

Sealed and delivered in the presence of:

EDWIN R. STRINGER.

[L. S.]

STATE OF MARYLAND,
COUNTY OF BALTIMORE. SS

On this 16th day of December, in the year one thousand nine hundred and ten, before me personally came Joseph Butsch, to me known, who, being by me duly sworn, did depose and say that he resided in the city of Baltimore, State of Maryland; that he is the rector of the St. Joseph's Seminary, the corporation described in and which executed the above instrument; that he knew the seal of said corporation; that the seal affixed to such instrument was such corporate seal; that it was so affixed by order of the board of directors of said corporation and that he signed his name thereto by like order.

EDWIN R. STRINGER.

Notary Public.

My commission exp. May, 1912.

STATE OF MARYLAND,
COUNTY OF BALTIMORE.

To wit:

[L.S.] I, William P. Cole, clerk of the Circuit Court for Baltimore county (the same being a court of lawful record of the aforesaid county, having by law a seal), do hereby certify that Edwin R. Stringer, esquire, whose name is subscribed to the attached certificate of acknowledgment, proof or affidavit, is a notary public duly commissioned and sworn, and residing in said county, and was, as such, an officer of said State duly authorized by the laws thereof to take and certify the same, as well as to take and certify the proof and acknowledgment of deeds and other instruments in writing to be recorded in said State, and that full faith and credit are and ought to be given to his official acts; and I further certify that I am well acquainted with his handwriting, and verily believe that the signature to the attached certificate is his genuine signature.

In witness whereof, I have hereunto set my hand and affixed my official seal this 20th day of December, 1910.

[L.S.]

WM. P. COLE,

Clerk.