

cles 1484 and following of the Revised Statutes, 1909, an amount of three hundred and forty-one dollars and ninety-one cents and shall give notice of such deposit in the *Quebec Official Gazette*, and from and after the notice of such deposit, the immoveables above described in paragraphs *a*, *b* and *c* of the preamble of this act shall be discharged and freed from such substitution created by the wills of Joseph Gareau and Dame Agathe Pilon, his wife, in favour of the unknown child of the said Léon Gareau and his children. tain deposit is made.

2. The Provincial Treasurer shall, five years after the date of the publication of this notice of deposit, return the said sum to the said petitioners, Dame Mary Louisa Cecilia Doherty, widow of the late Walter Kavanagh, Mary Elizabeth Kavanagh, his daughter, and Joseph Kavanagh, his son, if no substitute has appeared and claimed his rights, or if, having appeared and having claimed within the required period, he cannot establish his said rights. Money to be returned if no substitute appears in five years.

3. Nothing in this act shall be considered as an admission by the said petitioners of the rights which the substitutes, descendants of Léon Gareau, might claim in the said immoveables, or a renunciation on behalf of the said petitioners to the prescription acquired by them and their *auteurs*, or of other legal means which they might or will be able to oppose to the claims of the said possible substitutes, and neither shall anything in this act affect the rights or claims of the heirs Gareau or any of them to the ownership of any portion of the said immoveables under any other title than that of institute in the said substitution in favour of the descendants of the said Léon Gareau. Not to be considered as admission or a renunciation of prescription.

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

## CHAP. 132

An Act concerning a certain substitution created by the will of the late Colin Campbell.

[Assented to 19th February, 1914]

**W**HEREAS Dame Elizabeth King, of the city of Westmount, Province of Quebec, has by her petition represented: Preamble.

That by the will of the late Colin Campbell, in his lifetime of the city of Montreal, made and passed at Montreal,

before James Smith and his colleague, notaries, on the 11th day of October, 1866, the said late Colin Campbell gave the usufruct of the one-half of the property of which he should die possessed, to his wife Dame Sarah Harrison, during her lifetime, and constituted a substitution upon the said property (subject to said usufruct) and named Dame Caroline Nelson, in her lifetime of Côte des Neiges, in the district of Montreal, wife of Henry W. King, of the same place, first institute under the said substitution; and after her death the eldest child born of the marriage of the said Henry W. King and Dame Caroline Nelson, and in third degree the eldest child of such eldest child;

That the said late Colin Campbell died at Montreal on the 17th day of May, 1873, and the said Dame Caroline Nelson died at the same place on or about the 21st October, 1898, whereupon Dame Elizabeth King, of the city of Westmount, in the district of Montreal, spinster, being the eldest child born issue of the marriage of the said late Caroline Nelson and the said Henry W. King, became entitled to the said estate with substitution to her children, or, upon her death without issue, to the next eldest child born issue of the marriage of the said Caroline Nelson with the said Henry W. King, which children are Dame Elizabeth King, the present institute, Mary Nelson King, Henry Harrison King and Caroline Campbell King;

That certain differences of opinion and disputes have arisen as to the interpretation of the said will of the late Colin Campbell and as to the respective eventual rights of Dame Janet L. Brown in the property and estate of the said Elizabeth King, should she die without leaving lawful issue; and on the consequent final opening of the said substitution; the said Janet L. Brown contending on the one hand, that the said property and estate will, therefore, become the absolute property of the said Dame Janet L. Brown, if then living, or if not, to her posterity, in accordance with the alleged provisions of the said will, as being the substitute or substitutes, in the second or last degree, and consequently absolute owner or owners thereof, under the said substitution; and the said Elizabeth King and her brother and sisters contending that it will become the absolute property of the next eldest child of the said Dame Caroline Nelson, who may survive the said Elizabeth King;

That the properties of the said estate, and in particular the immoveable properties as more fully described in the deed passed before R. H. Barron, N. P., on the 22nd day of October, 1913, between the said Dame Janet L. Brown and the said Elizabeth King, as hereinafter referred to, are nearly all vacant and unremunerative and owing to increased taxes and charges thereon the revenues derived

therefrom are insufficient to maintain the same and to support the said Elizabeth King, and it is in the interest and to the advantage of all parties that said differences of opinion and disputes be ended, and threatened lengthy and costly litigation thereby avoided;

That in order to end said differences of opinion and disputes and prevent lengthy and costly litigation, and in order to vest the said property and estate absolutely in some one party so as to permit its being sold or otherwise dealt with in such manner as to insure the greatest benefit and advantage therefrom to all concerned, and prevent any needless loss and expense in connection therewith, the said Dame Janet L. Brown, wife separate as to property of William Cox, of South Branch, Stewiacke, in the county of Colchester, in the Province of Nova Scotia, farmer, and duly authorized by her said husband, entered into an agreement with the said Dame Elizabeth King, of the city of Westmount, said Province of Quebec, spinster, on the 22nd day of October, 1913, passed before R. H. Barron, N. P., whereby said Dame Janet L. Brown transferred to the said Elizabeth King all her alleged right, title and interest in and to the said property and estate of the said late Colin Campbell for the consideration set forth in the said deed, to which deed have intervened all parties who might possibly be interested therein, and particularly the said Mary Nelson King, Henry Harrison King and Caroline Campbell King, who are all unmarried, and all the children issue of the marriage of the said Dame Janet L. Brown and the said William Cox, who are all of the full age of majority, all of which intervenants have expressed themselves content and satisfied with said deed, and have expressly ratified and approved of the same;

Whereas the said petitioner prays for the passing of an act to ratify and confirm the said deed passed on the 22nd day of October, 1913, before Robert H. Barron, N. P., under No. 12652 of his minutes;

Whereas it is expedient to grant the prayer to that effect contained in the said petition;

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

1. The deed passed before Robert H. Barron, N. P., at the city of Montreal on the 22nd day of October, 1913, and being number 12652 of his minutes, between Dame Janet L. Brown, wife separate as to property of William Cox, of South Branch, Stewiacke, in the county of Colchester, in the said Province of Nova Scotia, farmer, and by him duly authorized for the purposes thereof, and Elizabeth

Deed ratified and confirmed.

Estate de-  
clared vested.

King, spinster, of the city of Westmount, in the Province of Quebec, is hereby ratified and confirmed and declared valid to all intents and purposes, and the substitution created by the will of the late Colin Campbell made on the 11th day of October, 1866, before James Smith and colleague, notaries, is hereby declared terminated, and the title to the properties comprising the estate of the late Colin Campbell is hereby declared vested in the said Dame Elizabeth King.

Certain  
parties not  
to be affect-  
ed.

**2.** Nothing herein contained shall affect the rights of any member of the King family not a party to nor represented by his auteurs in the deed hereby ratified, who may be called to the substitution at the death of Miss Elizabeth King under the terms of the late Colin Campbell's will, except as regards the \$85,000.00 mentioned in such deed, which shall be payable and secured as expressly mentioned in the said deed in any event, and the reasonable costs of making such agreement, passing this act, selling the property, and such legal expenses as may be incidental thereto, which shall also be payable absolutely; and except further that any private or other sale made by said Miss Elizabeth King of the substituted property or any part thereof shall be absolute, and the purchaser shall have a good title thereto, but any such property or the price due under such sale or any investment thereof shall, subject to said \$85,000.00 liability and the hypothec securing it and said costs, belong to such member of the King family, if so called to the substitution; and to secure his eventual rights, the capital of the price of the sale or any part thereof received during Miss Elizabeth King's lifetime shall, subject as above mentioned, be invested or deposited in accordance with the provisions of article 953a of the Civil Code, and the purchaser shall be discharged from following the purchase price once for all as soon as it has been invested in accordance with the provisions of paragraphs 3 and 4 of said article 953a, or deposited in the hands of the Prothonotary, in accordance with paragraph 5 of said article.

Coming into  
force.

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

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