

C H A P . 1 4 1

An Act to ratify a deed of sale of lot No. 474 of the parish of Sault au Récollet to Arthur Mignault and Victor Morin.

[Assented to 14th March, 1912.]

Preamble.

WHEREAS, Dame Mary MacIntosh, widow of the late Joseph Teskey, both personally and in her quality of universal legatee in usufruct under the terms of the last will of her said late husband, John Stewart Teskey, gentleman; Mary Ann Teskey, spinster, all of the city of Montreal; Dame Rebecca Teskey, wife separate as to property of John Falconer, by her said husband hereunto duly authorized; Dame Christina Adelaide Falconer, wife separate as to property of James Wesley Evans, by her said husband hereunto duly authorized, all of Thorndale, in the Province of Ontario, and William H. Black, of the said city of Montreal, in his quality of curator duly appointed and acting to the substitution created by and under the last will and testament of the said late Joseph Teskey; Arthur Mignault, physician and Victor Morin, notary, both of the said city of Montreal, have, by their petition, represented:

That Dame Mary MacIntosh and her late husband, Joseph Teskey, in his lifetime of Côte St. Michel, in the parish of Sault au Récollet and district of Montreal, gentleman, were common as to property according to the law of this Province in which they were married and domiciled;

That during the existence of the said community the said Joseph Teskey, duly acquired, for the benefit thereof, a certain farm situate at Côte St. Michel in the said parish of Sault au Récollet and district of Montreal, now known as lot No. 474 on the official plan and book of reference of the said parish;

That the said Joseph Teskey died on the 29th of May, 1867, leaving as part of his succession and estate an undivided half interest in the said farm;

That by the terms of his last will and testament before J. E. O. Labadie and colleague, notaries, dated the 3rd May, 1867, the said late Joseph Teskey bequeathed his said undivided half interest in the said farm unto Dame Mary MacIntosh, his surviving widow, to have and hold the same during her natural life, with substitution, after her decease, in favour of the said John Stewart Teskey, Mary Ann Teskey and Rebecca Teskey, (children of the testator's brother Elias Teskey and his wife Christina MacIntosh), equally during their natural lives respectively, with benefit of survivorship in case any of them should die;

That the said Joseph Teskey further provided by the terms

of his said last will that from and after the death of the survivor of the said John Stewart Teskey, Mary Ann Teskey and Rebecca Teskey, his said undivided half interest in the said farm was to go to and become the absolute property forever of the eldest son of said J. S. Teskey, or, failing the said J. S. Teskey having a lawful son, then the testator's share in said farm was to go to the lawful daughter or daughters of the said J. S. Teskey; and, in the event of the said J. S. Teskey dying without having any lawful child or children, then the testator's share in the said farm was to go to and become the absolute property of the other children and descendants of the said Elias Teskey and Christina MacIntosh, share and share alike by roots;

That the said Dame Christina Adelaide Falconer is the only other descendant of the said Elias Teskey and Christina MacIntosh now known to be living or represented;

That by appointment of the Superior Court for the district of Montreal, made on the 14th of October, 1909, the said William H. Black was duly appointed curator to the substitution created by the said last will and testament of the said Joseph Teskey, and duly accepted his nomination and appointment as such;

That until the sale hereinafter mentioned the said Dame Mary MacIntosh remained in possession and enjoyment of the said farm in accordance with the provisions of the said will and in the exercise of her own rights, but the revenue yielded by the said farm during the years of this enjoyment by said Dame Mary MacIntosh was very small, and necessarily out of all proportion to the present actual value of the said property;

That by deed before F. Samuel Mackay, notary, dated the 22nd July last, 1911, and bearing No. 9547 of the repertory of the said notary, the aforesaid Dame Mary MacIntosh *et al.*, parties of the first part, sold and conveyed, with legal warranty, unto the aforesaid Arthur Mignault and Victor Morin, parties of the second part, the aforesaid farm, lot No. 474, the whole on the terms and conditions shown in the said deed of sale;

That said deed of sale was duly registered in the registry office for the counties of Hochelaga and Jacques-Cartier on the 11th of August, 1911, under No. 195,431;

That Dame Mary MacIntosh as proprietor in her own right of an undivided half thereof and all known institutes and substitutes interested in or entitled to participate in the ownership of the other undivided half of said farm (as well as the curator duly appointed and acting to the said substitution) have consented and agreed to the terms of the said deed of sale, as appears by their signatures thereto, they being all of them in the full exercise of their rights;

That while the said John Stewart Teskey is fifty-two years

of age and has no children issue of his marriage with his wife, Mary Conlon, who is still alive and of his own age, it is possible that he might have a child or children who might become entitled under the terms of the said will of the said late Joseph Teskey to the ultimate ownership of the said testator's share in said farm;

That the said sale is an advantageous one and in the interest of all concerned, and there are no known persons who are entitled to a share or interest in the said farm other than the aforesaid petitioners;

That it is desirable to ratify the said sale and to confirm the purchasers in their title to the said farm, subject to the conditions of the said deed, and provided that the one-half of the purchase price of the said sale, belonging to the succession of the said late Joseph Teskey, when paid, be invested or deposited, in accordance with the provisions of article 953a of the Civil Code;

And whereas it is expedient to grant the prayer 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:

Certain deed
of sale ratified,
&c.

1. The deed of sale between Dame Mary MacIntosh *et al.*, of the first part, and Arthur Mignault and Victor Morin, of the second part, passed before F. Samuel Mackay, notary, on the 22nd July, 1911, and bearing No. 9547 of his repertory, is hereby ratified, confirmed and declared valid and binding, both upon the purchasers and vendors therein named, and upon the substitution created by the last will and testament of the late Joseph Teskey, in his lifetime of Côte St. Michel, in the parish of Sault au Récollet.

Investment
of half of
price of sale.

The half of the price of sale of said lot No. 474 due and payable to the succession and estate of the said late Joseph Teskey shall, when paid according to the provisions of the act aforesaid, be invested or deposited for the benefit of the substitution aforesaid, in accordance with the provisions of article 953a of the Civil Code; and the said purchasers shall be discharged from following the amount of the purchase price once for all from the moment it has been invested by the said institute and curator in accordance with paragraphs 3 and 4 of the said article 953a, or deposited with the prothonotary in accordance with paragraph 5 of the same article.

Coming into
force.

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