

C H A P . 1 4 2

An Act respecting the estate of the late André Montrait.

[Assented to 3rd April, 1912.]

WHEREAS Dame Cornelia Amanda Montrait, of Dorchester, Mass. widow by her first marriage of the late Harvey Hakins, and by her second marriage wife separate as to property of John Hare, heretofore of New York city now of parts unknown; Dame Almira L. Montrait, of Cambridge, Mass., widow of the late Alphonse Raza, in his lifetime of Montreal, architect, the institutes in the substitution created under and by virtue of the last will and testament of the late André Montrait, passed before Prud'homme, notary, and colleague, on the 10th of March, 1893; Charles Austin Barnard, King's Counsel, Montreal, in his quality of curator to said substitution; and all of the surviving substitutes in said substitution; have represented by their petition; Preamble.

That on the 14th of May, 1892, at Montreal, by deed of donation made and passed in authentic form before George R. W. Kittson, N.P., the late André Montrait, among other things, created a life rent in favour of Rosanna Schiller of three hundred dollars, providing that should her daughter Ida Schiller survive her mother, the said life rent should continue in her favour until such time as the said Ida Schiller should contract marriage; further declaring that the said life rent was so granted for the sole maintenance of the said annuitants and should be unseizable and inalienable, and that neither of the annuitants should have the right to pledge said annuity in any manner howsoever;

That said late André Montrait departed this life at Montreal on the 6th of July, 1893, leaving unrevoked and in full force and effect his last will and testament made and passed in authentic form at Montreal, before Prud'homme, notary, and associate, on the 10th of March 1893.

That under and by virtue of the said last will and testament of the said late André Montrait, he expressly confirmed the said donation of the annual rent in favour of said Rosanna Schiller and her daughter Ida Schiller, created as above recited, and ordained that the said annuity should be paid in the manner and under the terms stipulated in said deed of donation, further providing, moreover, that in case the said Rosanna Schiller should die before the said Ida Schiller, the said rent of three hundred dollars per annum should continue to be paid by the testator's estate by half-yearly payments of one hundred and fifty dollars each to the said Ida Schiller during her lifetime, even should she contract marriage, notwithstanding anything expressed in the deed of donation;

That by his will the testator further established an additional rent of sixty dollars per annum to be paid by his estate and succession by half-yearly payments of thirty dollars to the said Ida Schiller from the date of the death of the testator, such payments to be made at the same time as the half-yearly payments of the rent mentioned in the deed of donation;

That by the terms of the said will the testator moreover expressly ordained that the said annuities would be and remain unseizable and inalienable (*incessibles et insaisissables.*)

That the testator further ordained by his said last will and testament that the immoveable property belonging to his estate should be and remain hypothecated in favour of the said Rosanna Schiller and Ida Schiller to secure the payment of the said annuities;

That the only immoveable property belonging to the testator at the time of his death consisted of lots 386 and 387 of the cadastral plan and in the book of Reference of St. Antoine ward, in the city of Montreal;

That subsequently the said immoveable property was mutilated by expropriation proceedings brought by the municipal authorities, for the purpose of widening St. Antoine street, and it was found impracticable to attempt to rebuild said properties, that the institutes and the curator, after observing the formalities required by law, are about to sell the said properties for a sum of thirty thousand dollars;

Whereas said petitioners have in effect prayed that an act be passed for the purpose of granting relief to the estate from the situation resulting from the existence of the said hypothec upon all the immoveable belonging to the estate, securing the payment of said life rents amounting to only three hundred and sixty dollars per annum, and

Whereas, it is expedient to grant such relief in the manner hereinafter set forth;

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

Hypothec to
secure cer-
tain life
rents.

1. From time to time during the existence of the life rents payable to Rosanna Schiller and Ida Schiller, under the last will of the late André Montrait, the curator and the institutes until the opening of the substitution, and thereafter the persons receiving the property of said succession, may, without any other authorization than this act, and even without the concurrence of the said annuitants or either of them, make and execute in authentic form, a deed of hypothec for the purposes of securing the payment of said life rents, provided that by such deed of hypothec, the payment of said rents shall

be secured by first hypothec upon one or more immoveable properties situate within the city of Montreal, belonging to the said succession and valued for municipal purposes at the sum of at least eighteen thousand dollars.

The buildings upon all lands so charged with said hypothec shall, at all times, be kept fully insured against damage or destruction by fire. **Insurance of certain buildings.**

2. Any judge of the Superior Court for the district of Montreal may, upon a petition presented to him by said curator and institutes, or, after the opening of the substitution by the substitutes, as the case may be, and after summary inquiry, if deemed necessary, order the transfer of any hypothec at the time existing for the securing the payment of the said life rents, either under said last will or by reason of any previous exercise of the provisions of the present law, from the real property theretofore affected by said hypothec to the property set out in such deed of hypothec, a copy of which accompanies the petition. **Transfer of hypothecs.**

3. The registrar is authorized, upon production of a copy of such deed of hypothec and of a copy of the judgment rendered under the preceding section, both endorsed with registrar's certificate of due enregistrement, to radiate the hypothec securing the payments of the said rents from the immoveable which may therefore have been charged with the same. **Radiation of hypothec.**

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

CHAP. 143

An Act respecting the deed of sale by Edmund Sullivan *ès-qualité et al*, to the Brownville Board Company.

[Assented to 3rd April, 1912.]

WHEREAS the Great Northern Lumber Company, Preamble. Limited, has by its petition represented :

That, during the year 1873, the Glasgow-Canadian Land and Trust Company acquired various lots of the township of Clinton, which then formed part of the county of Compton ;

That by such means the company acquired from one Eleazar Clark, lot No. 3 in the first range of the township of Clinton, by deed before E. P. Felton, notary, dated the 3rd November, 1873, and registered on the 11th November, 1873 ;