

moveables held by it, a copy of its by-laws and the names of its officers and trustees.

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

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## CHAP. 107

An Act respecting a deed of donation by the late Dame Ann Bain, widow of the late Charles Philipps, in favor of the late Patrick Maher

[Assented to 4th June, 1910]

**W**HEREAS Dame Bridget Henrietta Maher, wife separate Preamble.  
as to property of James Anthony McShane, clerk ; Mary Maher, spinster ; Catherine Maher, spinster, and Ann Maher, spinster, all of the city of Montreal, have by their petition, represented :

That the petitioners are the sole surviving daughters of the late Patrick Maher, otherwise, Meagher, in his lifetime, of Montreal aforesaid, gardener, either by his marriage with his first wife, the late Dame Elizabeth Murphy, or by his marriage with his second wife, the late Dame Honora Ryan ;

That by deed of gift dated the 8th August, 1882, before Herbert S. Hunter, notary, and duly registered on the 16th August, 1882, the late Dame Ann Bain, at that time the widow of the late Charles Phillipps, both in their lifetime of Montreal aforesaid, gave to the said late Patrick Maher, otherwise Meagher, that certain immovable property in the city of Montreal, now known and designated on the official plan and in the book of reference for St. Antoine ward, of Montreal, as the northeast part of subdivision K of the official lot No. 1625 ;

That the said deed of gift contained the following clause :

“ And it is hereby made an express condition and it is the essence of the present donation that the sons of the said Patrick Maher, otherwise Meagher, whether they be issue of his marriage with his present wife, Dame Honora Ryan, or of his marriage with his late wife, Dame Elizabeth Murphy, shall not in any wise have any right, title or interest in the said property on account of their relationship to the said donee, nor shall they or any of them under any pretence whatever have the right to claim a share therein by reason of any community, continuation of community or other matrimonial rights;”

That the said Patrick Maher, died intestate on the 6th

October, 1890, leaving as his sole surviving children, three sons: Terence, Martin and Patrick, by his first marriage and his four daughters, the petitioners, by his second marriage ;

That the late Honora Ryan, died on the 20th April, 1899, after having by her last will instituted all her daughters, the petitioners, her sole and universal legatees ;

That the petitioners have, ever since the death of their said father and mother, been in the undisturbed possession and use and occupation of the said immoveable property as the sole and absolute owners thereof ;

That it appears from the said clause in the said deed of gift that the donor intended to create a substitution *de eo quod supererit* in favour of the children of the said late Patrick Maher, but excluding therefrom as substitutes all his sons ;

That doubts have arisen as to whether such intention was clearly enough expressed in said clause to protect a purchaser of the said immoveable or a lender on the security thereof ;

That advantageous offers have been received from time to time for the purchase of the said immoveable property, of which offers the petitioners were unable to avail themselves in view of the said doubts ;

Whereas it is urgent, in the interest of the petitioners, to remove any such doubts ;

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

Certain persons declared to have no interest in certain immoveable.

**1.** It is declared by this act that, under the terms of said deed of gift, none of the sons of the late Patrick Maher, otherwise Meagher, issue of his marriage with the said late Dame Elizabeth Murphy, acquired or have any title to or interest in the said immoveable known and designated on the official plan and in the book of reference for St. Antoine ward of the city of Montreal, as the northeast part of subdivision K, of the official lot No. 1625 either by reason of any matrimonial rights of their mother or of any community of property which may have existed between their father and their mother or any continuation of such community of property or by reason of their father having left an abintestate succession.

Coming into force.

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