

CHAP. 113

An act to ratify and confirm a deed of sale from the estate of the late John Ogilvie to the Young Men's Christian Association of Montreal.

[Assented to 4th June, 1910]

Preamble.

WHEREAS the Young Men's Christian Association of Montreal, a body politic and corporate under the act 51-52 Victoria, chapter 57, has, by its petition, represented:

That, by will dated 28th September, 1871, executed at the city of Montreal, before E. H. Stuart and colleague, notaries public, and codicil thereto dated 11th June, 1883, executed at the city of Montreal before W. de M. Marler and colleague, notaries public, John Ogilvie, in his lifetime of the city of Montreal, miller, bequeathed all his property, moveable and immovable, in trust to the trustees and administrators, whom he also appointed the executrix and executors of his said last will and testament and codicil thereto, conferring upon such trustees and administrators various powers, including power to sell and dispose of all bank and other stocks, mortgages, *baillieur de fonds* claims, and other property belonging to his estate, as therein more fully set forth;

That the said John Ogilvie died at the city of Montreal on or about the 23rd day of July, 1888, without having altered in any way the terms of his said last will and testament and codicil thereto, and leaving as forming part of his succession the lot of land known under the No. 1470 on the official plan and book of reference of St. Antoine ward in the city of Montreal, with the buildings thereon erected;

That the late John Ogilvie left surviving him eight children, of whom five were sons, namely, Alexander Thomas Ogilvie, Douglas Watson Ogilvie, Norman Craik Ogilvie, Lorne Campbell Ogilvie and John Archibald Stewart Ogilvie, and three daughters, namely, Ida Helen Ogilvie, wife of E. Frank Moseley, Jean Watson Ogilvie, widow of John P. Rae, and Margaret Lillian Ogilvie, all of whom have now attained the age of majority and are still living;

That no partition of the said immovable property was ever made, the heirs under the said last will and testament and codicil thereto having continued to enjoy the same at all times in undivided ownership;

That, by deed of sale dated the 22nd day of February, 1910, executed before John Fair, notary public, the executors, trustees and administrators of the last will and testament and codicil thereto of the late John Ogilvie, jointly with the sons of the said testator, sold and conveyed to the Young Men's

Christian Association of Montreal, for the price therein stated the said immoveable property less, however, the portion, thereof previously expropriated, by the city of Montreal for the widening of Stanley street;

That doubts have arisen as to the powers of the executors, trustees and administrators of the last will and testament and codicil thereto of the late John Ogilvie to sell and convey the undivided shares in the said immoveable property belonging to the said daughters of the said testator, and enjoyed by them in usufruct during their lifetime, the ownership of which shares after their death is to belong to their issue by marriage, and, failing such issue, to revert to and form part of the estate of the said testator;

That all persons of full age and in the free exercise of all their rights, having any right, title or interest in the said immoveable property, have become parties to the said deed of sale, either as vendors or intervenants, and the curators to the substitutions created by the said last will and testament and codicil thereto of the late John Ogilvie, are willing that the said deed of sale should be ratified and confirmed;

And whereas it is in the interest of the estate of the late John Ogilvie, and all other parties to the deed above mentioned, that the said deed be ratified and confirmed to avail for all lawful purposes;

And whereas the said purchaser has prayed that an act be passed to remove all doubts relating to the validity of the said deed of sale, and it is expedient to grant the said prayer;

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 of sale of lot official No. 1470, St. Antoine ward, in the city of Montreal, dated the 22nd day of February 1910, executed before John Fair, notary public, from the executors, trustees and administrators of the last will and testament and codicil thereto of the late John Ogilvie, jointly with the sons of the said testators, to and in favor of the Young Men's Christian Association of Montreal, is hereby ratified and confirmed and declared legal and valid to all intents and purposes.

Certain deed of sale ratified, &c.

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

Coming into force.