

CHAP. 115

An Act respecting the substitution of the late John Tiffin

[Assented to 4th June, 1910]

Preamble.

WHEREAS, John Tiffin, labourer, George Tiffin, burgess, both of the village of Beaurivage de la Longue Pointe, district of Montreal, Kate Tiffin of the city and district of Montreal, wife of Hugh Rowley, *chauffeur*, of the same place, and by the latter duly authorized; Annie Tiffin, of the town of Longue Pointe, in the said district, wife of Joseph Chaussé, of the same place, painter, authorizing his wife, and William Tiffin, carpenter, of the city of Toronto have, by their petition represented:

That by will made before Mr. Joseph Belle, notary, on the 2nd November, 1859, the late John Tiffin, in his life-time, burgess, of Montreal, bequeathed to his nephew, the late Joseph Tiffin, the usufruct during his life-time of a farm now known under the No. 409 of the cadastre of the parish of Longue Pointe, and under the No. 70 of the cadastre of the parish of Pointe-aux-Trembles, containing about three arpents in front by forty arpents in depth, to be handed at his death to his children, the petitioners, who, in their turn, were to enjoy the same during their life-time, and after their death, to be handed to their children, to be divided among them by roots;

That such immoveable, in consequence of the growth and continual increase of the city of Montreal and of its vicinity, and especially of the considerable concession, during the past years, of lands in the parish of Longue Pointe, is no longer of use for farming, as its value and the taxes on immoveables are becoming too great for the return that can be obtained from it as a farm:

That, consequently, on the 22nd February last, the said land was sold by the petitioners to one Joseph Elizée Roy, real estate agent, for the sum of seventy-one thousand dollars, with a view of subdividing it into building lots and then offered for sale;

That it is impossible to do so unless an act be passed, to allow the petitioners, with the assistance of the curator to the substitution of John Tiffin, to withdraw the amount derived from the sale of the substituted property, and to give good and valid acquittance therefor to the purchasers, without the latter being obliged to see to the reinvestment of the same, provided the said petitioners, with the assistance above mentioned, reinvest the moneys as required by article 953a of the Civil Code;

That one of the conditions of the sale above mentioned is that it be ratified by the Legislature of the Province of Quebec;

That another of the conditions of the said sale stipulates that when the subdivision plan of the immoveable sold shall have been prepared, the vendors shall give a discharge of the privilege of *baillieur de fonds* resulting in their favour from the said contract of sale, upon payment of the sum of five hundred dollars for each lot between the river and the highway; two hundred and fifty dollars for each lot between the highway and the Terminal railway, and one hundred dollars for each lot between the Terminal railway and the northwestern boundary of the said land; provided the sums so paid be imputed on account of the last payment of the price of sale mentioned in the deed of sale, and such discharges be granted only when the sum of one thousand dollars shall be so paid in advance;

That such sale is to the advantage of the substitution;

That the curator to the said substitution appeared in the said deed of sale and ratified the terms and conditions thereof, and undertook with the petitioners to have the same ratified at the expense of the purchaser, who accepted the said conditions, by the Legislature of the Province of Quebec, and that he consents to the present application and agrees thereto;

Whereas the petitioners have established the allegations of their petition which has been ratified by a family council, the proceedings whereof were homologated by the prothonotary of the Superior Court at Montreal, on the 12th March 1910 and it is expedient to grant their prayer;

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

1. John Tiffin, George Tiffin, Kate Tiffin, wife of Hugh John Tiffin, Rowley and the latter to authorize his wife, Annie Tiffin, wife *et al. authorized to receive proceeds of sale of certain immoveable, &c.* of Joseph Chaussé and the latter to authorize his wife, and William Tiffin, the institutes to the second degree in the substitution created by the will of the late John Tiffin, may, with the assistance of the curator to the said substitution, notwithstanding any clause to the contrary in the said will, receive the moneys derived from the sale of the said immoveables, No. 409 of the cadastre of the parish of Longue Pointe and No. 70 of the cadastre of the parish of Pointe-aux-Trembles which are substituted in favor of their children as substitutes to be divided among them by roots, under the terms of the said will, and to give a good and valid acquittance therefor to the purchaser; on the condition, however, that on receipt of the said sum of money, they shall deposit the same in the office of the prothonotary of the Superior Court of Montreal, *Proviso.* in accordance with paragraph 5 of article 953a of the Civil Code, or reinvest the same in accordance with the same article,

and each purchaser shall be discharged from the obligation of seeing to the reinvestment of the price of sale, once for all, from the moment that the same shall have been invested by the institutes in accordance with the provisions of paragraphs 3 and 4 of the said article 953a, or after they have been deposited in the hands of the prothonotary, in accordance with paragraph 5 of the same article.

Certain deed
of sale rati-
fied, &c.

2. The deed of sale of the property No. 409 of the cadastre of the parish of Longue Pointe and No. 70 of the cadastre of the parish of Pointe-aux-Trembles, made on certain conditions therein mentioned by the said John Tiffin, George Tiffin, Kate Tiffin, wife of Hugh Rowley and the latter to authorize his wife, Annie Tiffin, wife of Joseph Chaussé and the latter to authorize his wife and William Tiffin, to Joseph Elizée Roy before Mr. J. A. Beauchamp, notary on the 22nd February, 1910, is ratified, and declared valid and binding, both as regards the purchaser and the institutes and the substitutes in the substitution created by the said John Tiffin.

Coming into
force.

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

CHAP. 116

An Act to authorize the testamentary executor and the legatees of the late Mr. Pierre Voyer to borrow upon hypothec.

[Assented to 4th June, 1910]

Preamble.

WHEREAS, Monseigneur François-Xavier Faguy, parish priest of the parish of Notre Dame de Quebec, executor of the will of the late Mr. Pierre Voyer, in his lifetime of the city of Quebec, and Dame Annie Voyer, wife separated as to property by marriage contract of Eugène Leclerc, the latter to authorize his wife, as universal legatee of her father the said Pierre Voyer, all of the city of Quebec, have, by their petition represented :

That the said Pierre Voyer by his solemn will and testament, made before Mr. G. P. Châteauvert and his colleague, notaries, at Quebec on the 9th June, 1903, bequeathed to the said Dame Annie Voyer the enjoyment and usufruct of a lot of land he owned on the north side of d'Aiguillon street, known under No. 3223 of the official cadastre of St. John ward of the city of Quebec, with a house and other buildings erected on one half of the said immovable, the said Dame Annie Voyer to have the enjoyment and usufruct thereof during