

alone after the partition as regards such of the property as has been divided.

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

CHAP. 155

An Act respecting the estate of the late Margaret Ewing,
widow of William Galt

[Assented to 27th April, 1909]

WHEREAS, Margaret Ewing Hill, wife of George Miller Preamble.

Paterson, gentleman, both formerly of Montreal, now of Cleveland, Ohio, as well in her own right as having acquired the rights of the estate of her brother William Galt Hill, deceased, and also being in the rights of the estate of the late Adolphus James Hill, intestate, deceased; Adelaide Hill, wife contractually separated as to property of Samuel P. Wigg, gentleman, both formerly of Montreal, aforesaid, and now of Lakefield, in Ontario; Jean Elizabeth Steele Hill, wife of Edward A. Hilton, organist, of Montreal aforesaid; Helena Augusta Bourne Hill, spinster, of Montreal aforesaid; and Lillian Galt Adams, spinster, and Ethel Muriel Adams, wife separate as to property of Christopher Severs, agent, and William Lisle Adams, gentleman, all three children issue of the marriage of the late Emma Louise Hill and the late Albert A. Adams, gentleman, both deceased, and all of Montreal, have by their petition, represented;

That the petitioners are the sole surviving children, (the said three Adams children as representing their said mother) issue of the marriage of the late Charles Gideon Hill, in his lifetime of Montreal aforesaid, gentleman, and of the late Dame Margaret Jane Galt, his wife, and at the time of her death, were, together with Adolphus J. Hill, (who has since died a major, unmarried and intestate) her sole surviving children and all (except the said Adolphus J. Hill) were then majors, her said death having taken place at Montreal, aforesaid the twenty-fourth day of May, 1882, she having been the usufructuary universal legatee, and her said children, her issue, substitutes and beneficiaries, under the last will and testament of the late Dame Margaret Ewing, widow of the late William Galt, merchant, both of Montreal, aforesaid, deceased, hereinafter referred to.

That the said late Margaret Ewing, widow Galt, executed her last will and testament before James Smith and his col-

league, notaries, at Montreal, the third day of June, 1857, and died at Montreal, aforesaid, the third day of July, 1862, without having in any way changed or revoked the same; that the said Mrs. Galt, in and by her said last will, after having bequeathed divers legacies as therein set forth, devised and bequeathed the rest and residue of her estate (including all the real estate hereinafter referred to) to her said daughter Margaret Jane Galt, wife of Charles Gideon Hill, during her natural lifetime on conditions therein set forth, and at her death as follows, to wit: "And at the death of the said Margaret Jane Galt, I give and bequeath the whole of the rest, residue and remainder of my property unto my grandchildren, issue of the marriage of the said Margaret Jane Galt, with the said Charles Gideon Hill, the survivor or survivors of them in full property to be divided between them the survivor and survivors of them, share and share alike, hereby instituting them my universal legatees."

"And in the event of the death of any of my said grandchildren in minority, or dying married but without issue or having issue and such issue predeceasing themselves, his or herself, the share of the party so dying to enure to and become the property of the survivor of my said grandchildren and be divided between them share and share alike." That by judgment of the Superior Court, of Montreal, rendered on the second day of March, 1886, in the cause No. 1425, wherein said Jean Elizabeth Steele Hill *et al* were the plaintiffs and Charles Gideon Hill *et al* were defendants, the real estate consisting of the property of the testatrix then and since known as official lots 171 of St. Lawrence ward, and 1025 of St. Antoine ward, in the city of Montreal, was, upon report of experts named in such cause, subdivided into official subdivisions and allotted to each one of the said children of the said late Margaret Jane Galt, as substitute under her will and as their shares under the substitution, and they entered upon and became possessed of the same as such; that the said properties are old and produce but little revenue to those entitled thereto, and cannot be sold advantageously without the benefit of the act applied for, and, in fact difficulties have arisen as to payment of the price of certain lots already sold; that doubts have been raised in regard to the interpretation of the said will, to wit: (a) a doubt whether Adolphus James Hill, who died a major and unmarried, was not intended to be included in the second clause above quoted as a *grévé de substitution*, (notwithstanding the fact that he died a major and unmarried); (b) a doubt whether by the words "said grandchildren" is meant (as against the natural meaning of the words in the context) any issue of said grandchildren, by way of representation, in case of their deaths; (c) a doubt

whether the bequest in substitution to Mrs. Galt's grandchildren and the survivor or survivors of them confined such bequest to the actual surviving grandchildren at the time of her death, or was overruled by the eventuality in the following clauses in favor of grandchildren, and consequently reverted at the death of any one of said grandchildren, even those of age who might die without issue; (d) a doubt in respect to the said judgment of March, 1886, whether, in view of the other doubts raised as aforesaid and of the alleged non-representation in said partition of the above petitioners, the Adamases, the said judgment could be regarded as a translatory title transferring the shares; that the said doubts tend to unsettle the title of all the petitioners and their assigns and mutually affect them between themselves and raise disquiet and damage to their interests and those of their assigns; and the petitioners who represent all the *souches* interested, desire that an act of the Legislature should settle and quiet such titles, having regard to all interests, and have agreed upon the terms of such act;

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

1. Each of the said Margaret Ewing Hill, William Galt, Certain persons declared Hill, Adolphus J. Hill, Adelaide Hill, Jean E. S. Hill, owners of Helena A. B. Hill, and the succession of the late Emma Louisa certain property Hill or Adams, became under the said will of the late Mrs. Galt and the said judgment rendered on the second March, 1886, in the cause No. 1425 of the Superior Court, Montreal, the absolute owner of the property attributed to them; him or her by the said judgment.

2. The titles to the said several subdivisions of lots Titles to certain property, &c., as set forth in said judgment of the Superior Court, in the cause declared not contestable, No. 1425 of the said second March, 1886, and said judgment &c. itself, are declared incontestable to the several children therein named, of the said Charles Gideon Hill and Margaret Jane Galt, as substitute proprietors under said will of Mrs Galt and absolute owners for themselves and their assigns, and all purchasers of said subdivisions or any part thereof from them may pay them the price without other authority than this act.

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