

of death, refusal to act, or incapacity to fill the said office, shall be effected under the authority of justice by following the formalities prescribed in such cases, and the testamentary executor so appointed shall, for the purposes of his administration, have all the powers conferred by the will of the late Isaïe Hurtubise, junior, upon the testamentary executors he may have appointed, but he shall be bound to furnish good and sufficient security for the faithful performance of his administration.

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

CHAP. 158

An Act to validate a certain deed of sale by Lyman, Sons and
Company to Lyman (Limited)

[Assented to, 27th April 1909]

WHEREAS Henry Herbert Lyman and Arthur Lyman, Preamble.
both merchants of the city of Montreal ; Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, acting in their quality of surviving executors and trustees and universal residuary legatees of the late Henry Lyman, their father, in his lifetime, merchant, of the city of Montreal ; The Royal Trust Company, in its quality of trustee and executor under the last will and testament of the late Frederick Stiles Lyman, in his lifetime advocate and King's Counsel, of the city of Montreal ; the said Henry Herbert Lyman and Albert Clarence Lyman, in their quality of executors under the said last will and testament of the said late Frederick Stiles Lyman ; Walter Ernest Lyman, in his quality of curator to the substitution created under the will of the said late Frederick Stiles Lyman ; Miss Evelyn Dorothy Mabel Lyman, spinster, of full age of majority, in her quality of institute in the substitution under the will of the said late Frederick Stiles Lyman ; the said Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, in their quality of surviving executors and universal residuary legatees of and under the last will and testament of their late mother, Dame Mary Corse, in her lifetime widow of the late Henry Lyman ; the said Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, in their quality of surviving heirs at law and legal representatives of their late brother Roswell Corse Lyman, in his lifetime, of the city of Montreal, merchant, have, by their petition, represented :

That a notarial deed was passed at the city of Montreal on

the thirteenth of February, 1909, before Mr. Ronzo Heathcote Clerk, notary public, under the number four thousand one hundred and ninety-two of his minutes, by which deed the persons hereinbefore designated sold, transferred and made over to Lyman's (Limited,) a body politic, incorporated in virtue of the laws of the Dominion of Canada, having its principal place of business in the city of Montreal, for the sum of three hundred and eighty-seven thousand two hundred and fifty dollars, payable in cash, and in payment of which the vendors accepted and received seven thousand seven hundred and forty shares fully paid up, in the capital stock of the purchaser, the whole of the assets of the former commercial firm of Lyman, Sons and Company, consisting both of moveable and immovable properties, as the whole is more fully described in the said deed of sale and transfer ;

That by reason of withdrawals and of death, the members of the former commercial partnership of Lyman, Sons and Company have, from time to time, changed, but that the said properties, moveable and immovable, were, at the time of the passing of the deed of sale and transfer above referred to, the exclusive property of the vendors, who represented the members previously deceased or those who had withdrawn from the former commercial partnership ;

That all the formalities required in order that the immovable properties above described should appear in the registry offices for their respective divisions, to be the property of the different members who have succeeded one another, in the said commercial firm, have not been complied with ;

That, owing to the death, a great many years ago, of the various persons who were members of the said commercial partnership, previously to the vendors, the accomplishment of such formalities would now be impossible ;

That the late Frederick Stiles Lyman, in his lifetime advocate and King's Counsel, of the city of Montreal, was at the time of his death, interested in the said commercial partnership, in his quality of heir of his brother, Roswell Corse Lyman, who died intestate, and also as testamentary heir of his father, the late Henry Lyman ;

That by his holograph will the late Frederick Stiles Lyman appointed Henry Herbert Lyman, Albert Clarence Lyman and The Royal Trust Company his testamentary executors, and The Royal Trust Company his trustee, and created a substitution in favor of the persons therein referred to ;

That, notwithstanding the said substitution, the said late Frederick Stiles Lyman instructed his testamentary executors and trustee to liquidate immediately his interest in the said commercial partnership of Lyman, Sons and Company ;

That during his lifetime the said Frederick Stiles Lyman had,

on many occasions, insisted that a joint stock company should be formed to take over the assets of the commercial partnership of Lyman, Sons and Company, as a going concern ;

That the said late Frederick Stiles Lyman had expressed the desire to receive fully paid up shares in the capital stock of the company so to be formed, in payment of his interest in the said commercial partnership of Lyman, Sons and Company ;

That the organization of the said company, on the basis actually existing and in conformity with the deed above mentioned, was commenced during the lifetime of the said late Frederick Stiles Lyman, to his knowledge and in accordance with his instructions, and that his absence and ill health were the causes which prevented the complete organization of the said company, and the sale and transfer of the assets of the said commercial partnership could not be completed during his lifetime ;

That the estate of the late Frederick Stiles Lyman has received from the company, known as Lymans' Limited, in payment of its interest in the commercial partnership of Lyman, Sons and Company, eight hundred and forty shares of the par value of fifty dollars each, fully paid up, in the capital stock of the said company, which shares represent the full and entire value of the interests of the late Frederick Stiles Lyman, in the said commercial partnership ;

That without the benefit of an act ratifying the deed of sale above mentioned, a judicial partition of the property of the commercial partnership of Lyman, Sons and Company, will have to be effected, to the great prejudice of the estate of the late Frederick Stiles Lyman, which will not be in a position to protect itself, at the time of the sale of the property, and also to the great prejudice of the other members of the said partnership of Lyman, Sons and Company ;

That it is in the interest of the estate of the late Frederick Stiles Lyman and of the other parties to the deed above mentioned, that the said deed be ratified to avail for all lawful purposes, both with respect to the institute and to the substitutes under the substitution created by the will of the late Frederick Stiles Lyman, and to constitute a full and complete title in favor of the company known as Lymans' Limited, to the property moveable and immoveable, sold and transferred by the said deed

Whereas the petitioners have prayed for the passing of an act to that effect, and it is expedient to grant the prayer of the said petition ;

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 owners of certain property and certain deed ratified.

1. The vendors in the authentic deed passed before Mr. Ronzo Heathcote Clerk, notary public, at the city of Montreal, on the thirteenth day of February, 1909, under the number four thousand one hundred and ninety-two of his minutes, are declared to have been, at the time of the sale, the owners of the property moveable and immoveable, by them sold and transferred, and the said deed is by the present act ratified and declared valid for all lawful purposes, notwithstanding the substitution of part of the said property, and shall constitute a complete title in favor of the said company known as Lymans' Limited, to the property moveable and immoveable to it sold and transferred by the said deed.

Certain trustees, &c., authorized to retain, &c., certain shares, &c.

2. The trustees and testamentary executors of the late Frederick Stiles Lyman are empowered, in their discretion, to retain or sell, without any legal formalities whatsoever, the shares which they have received from the company known as Lymans' Limited, in virtue of the said deed of sale, and in case of sale, any person may purchase the said shares notwithstanding the provisions of article 1484 of the Civil Code.

Coming into force.

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

CHAP. 159

An Act to confirm the sale by the heirs of the late L. T. Macpherson to Alexander Moore and William Joseph Moore

[Assented to 29th May, 1909]

Preamble.

WHEREAS, Dame Ellen Macpherson, wife of George Henshaw Holt, of Lachine, and the said George Henshaw Holt to authorize and assist his said wife; Dame Ellen Georgiana Burnham Holt, wife of St. George Knight, of Lachine, and the said St. George Knight to authorize and assist his said wife; Dame Margaret Cecilia Holt, wife of Walter George Stethem, of the city of Montreal, and the said Walter George Stethem to authorize and assist his said wife, and Mabel F. Hervey, of Portneuf, spinster of the full age of majority, have by their petition represented :

That by deed of sale passed at Quebec on the eleventh July, 1908, before Mr. William Noble Campbell, notary, under the number 6820 of his minutes, the petitioners sold to Alexander Moore and William Joseph Moore, of Little River St. Charles near Quebec, for the sum of twelve thousand dollars on account of which the sum of two thousand dollars has been paid in