

Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Title of company to certain property confirmed, &c.

1. Notwithstanding the pretended irregularity in the description of the said property in the sheriff's sale hereinabove mentioned, and the pretended want of power of the Montreal Trust and Deposit Company, now known as the Montreal Trust Company, to acquire, possess and alienate in its own name trust property held by it for others, the title of the said company to the said part of lot No. 3600 of the official plan and book of reference of the parish of Montreal, and the deed of sale of the twenty-third day of April, 1903, before George R. Lighthall, notary, are confirmed and ratified and declared legal and valid, and the said company is authorized to possess and alienate in its own name wholly or partly the said part of lot and to give a good title therefor to any acquirer thereof, as an absolute owner could do ; the whole without prejudice to any trust which the said company may have assumed, and to any right which it may have granted with respect to said property.

Coming into force.

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

CHAP. 163

An Act to define the powers of the testamentary executors and trustees acting under the last will and testament of the late William Murray, in his lifetime of the city of Montreal

[Assented to 7th May, 1909]

Preamble.

WHEREAS Annabella Murray, spinster ; William Alexander Murray, engineer ; and Alfred Polson Murray, sales-manager ; all of the city of Westmount, in the Province of Quebec, in their quality of executors and trustees of the will of the late William Murray, and the following beneficiaries of the estate of the late William Murray: Annabella Murray of the city of Westmount, spinster ; Walter Gow Murray, of Massawippi, an interdict, represented herein by Eliza F. Murray, his curatrix ; Dame Agnes Murray, wife of William Hall, of the city of Westmount ; Jane Macdonald Bridges, widow of the late Alexander Murray, of the city of Westmount ; William Alexander Murray, of the city of Montreal, engineer ; Katharine Grace Murray, wife of Alfred Polson Murray, of the city of Westmount ; Agnes Edith Murray, wife of Frederick James Capon, of the city of Toronto ; Alexander Murray, of Verdun, an interdict, represented by Walter H. Murray, of the

city of Westmount, his curator ; Agnes Lina Murray, wife of Charles H. Church, doctor of medicine, of the city of Westmount ; Walter Henry Murray, of the city of Westmount ; and Sarah Harriet Pontine Murray, spinster of Massawippi, P. Q., have, by petition, represented :

That the said Annabella Murray, Walter Gow Murray, Dame Agnes Murray, Dame Jane Macdonald Bridges, William Alexander Murray, Dame Katharine Grace Murray, Dame Agnes Edith Murray, Alexander Murray, Dame Agnes Lina Murray, Walter Henry Murray and Sarah Harriet Pontine Murray are all the persons beneficially interested in the estate of the late William Murray, in his lifetime of the city of Montreal, and the said Annabella Murray, William Alexander Murray and Alfred Polson Murray are the present executors and trustees duly named and appointed as such in succession to the executors and trustees named and appointed in the last will and testament of the said late William Murray, which was executed before witnesses at the city of Montreal on the twenty-first day of February, eighteen hundred and seventy-four, and duly probated in the Superior Court for the district of Montreal on the twenty-eighth day of May, eighteen hundred and seventy-four ;

That in and by his last will and testament the said late William Murray, after making various particular legacies, desired that the residue of his estate should be administered and managed by his trustees and executors thereafter named, and that the net revenues of such residuary estate after making the deductions provided for in said will, should be evenly divided among his children, share and share alike, and on the death of his children respectively, that the capital of the share of his estate whereof each child was to derive and be paid the revenues above mentioned, should vest in and become the property of his or her children, if any, and in default of such children, then to the children of his other sons and daughters by families ;

That in and by his said last will and testament the testator invested his testamentary executors and their successors in office with all the powers of executors, trustees and fiduciary legatees, divesting himself in their favor, and investing them with all his property and rights, real and personal, moveable and immoveable, extending their powers and authority beyond the year and day limited by law for executors, and until the full and entire execution of his last will and testament, and the testator further conferred upon them the most full and ample powers that can be conveyed, to sell and dispose of all kinds of property, and especially all land and other immoveable property, recover the price thereof and again to invest in other real or immoveable property, or any other property or securities as they might see fit, and as often as they might judge it

expedient to do so, to alter, vary and renew investments into that kind of property or security they might judge most advisable; provided always, and it was an express condition imposed with regard to the sale of immoveable property or bank stocks, or stocks of any incorporated company or city or other bonds or debentures that none of such should be disposed of, nor any new investments made therein until all his children then living and being present in the city of Montreal should have been consulted, and not if an absolute majority of them so present should dissent from the purpose of making such sale, purchase or new investments ;

That some of the children of the testator, named in said will have died, to wit : Alexander Murray, John Murray, Grace Murray, William George Murray and Henry Esson Murray, only one of whom, namely : John Murray, left children, and the following children of the testator are still living, namely: Miss Annabella Murray, Dame Agnes Murray, wife of William Hall, and Walter Gow Murray ;

That in view of the terms of the residuary bequests hereinabove recited, doubts have been expressed as to whether upon the death of any of the children of the testator, the capital of the share of the estate of which such child was to be paid the revenue, became vested in his or her children, and whether such grandchildren upon attaining the age of majority thereby became entitled to claim their share of the estate by partition or licitation, as the case might be, and whether in consequence the seizin and powers of the executors continued as to such share so vested in the grand-children so as to allow the executors to dispose of any real estate forming part thereof without the concurrence or participation of the grandchildren so vested ;

That the great bulk of the assets of the said estate consists of real estate which is not susceptible of division in kind ;

That advantageous offers have been and are being received from time to time for the purchase of portions of said real estate, of which offers the executors are unable to avail themselves in view of the doubts expressed as to their powers to give a valid title ;

Whereas it is in the interests of all of the beneficiaries of the said estate that the seizin and powers of the executors and trustees should continue and be exercised after the successive deaths of the remainder of the testator's children until the full and final execution of the provisions of the said will, and all persons beneficially interested in the said estate have joined in a petition for the passing of an act by the Legislature of the Province of Quebec, defining the powers of the executors in this sense ;

Whereas it is expedient to grant the prayer of said petitioners; Therefore, His Majesty, with the advice and consent of the

Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

1. The powers conferred by the said late William Murray, in his lifetime of the city of Montreal, by his last will and testament executed at the city of Montreal on the twenty-first day of February, eighteen hundred and seventy-four, and duly probated in the Superior Court for the district of Montreal on the twenty-eighth day of May, eighteen hundred and seventy-four, upon the testamentary executors and trustees therein named, have continued and may be exercised by the successors of the said executors and trustees in the manner set forth in the said will notwithstanding the death of certain of the children of the testator, and the said powers shall continue after the successive deaths of the remainder of the testator's children until the full and final execution of the provisions of the said will.

Powers of certain executors may be continued notwithstanding death of certain persons, &c.

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

Coming into force.

CHAP. 164

An Act respecting the validation of a resolution of the former town of Notre Dame des Neiges, dated the sixth of November, 1906.

[Assented to 27th April, 1909]

WHEREAS Narcisse Emilien Brais, trader ; Joseph L. Perron, advocate and King's Counsel and Joseph Per-

rault, architect, all of the city of Montreal, in their capacity of testamentary executors and trustees of the estate of the late Alexis Brunet, in his life-time, advocate, of the town of Notre Dame des Neiges, have, by their petition, represented :

That by resolution of the council of the former town of Notre Dame des Neiges, now Mount Royal ward, of the city of Montreal, passed on the sixth of November, 1906, they were permitted to open and maintain on the immoveable then known under official numbers 3-1 to 3-7 inclusively, on the official plan and book of reference of the village of Côte des Neiges and now known and designated under the official numbers 3-53 to 3-207 inclusively, on the official plan and book of reference of Mount Royal ward of the city of Montreal, streets less than sixty-six feet wide and not less than thirty-three feet wide ;

That the words : " the Legislature " in such resolution were