

CHAP. 9

An Act respecting a sale by the Honourable N. Pérodeau, to the Government of the Province of Quebec

[Assented to 25th April, 1908]

Preamble.

WHEREAS, on the 31st day of December, 1907, by deed passed at the city of Quebec before C. E. Taschereau notary, under the number 3973 of his minutes, the Honourable Narcisse Perodeau, notary and member of the Legislative Council of the Province of Quebec, sold to the Government of this Province, the immoveables described in the said deed, for the price and upon the conditions therein mentioned.

Whereas the Government of this Province bought the said immoveables in the public interest, for the needs of the administration of justice, and in order to enlarge the court-house in the city of Montreal.

And whereas it is stipulated in the said deed that it (said deed) is subject to the ratification thereof by this Legislature.

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

Certain sale of Dec. 31st, 1907, ratified, &c.

1. The deed of sale above mentioned, passed on the 31st day of December, 1907, and reproduced in the schedule to this act, is hereby declared valid, and is ratified and confirmed to all intents and purposes, notwithstanding any provision of law which may affect the said deed or the capacity of the parties thereto.

Coming into force.

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

SCHEDULE

In the year one thousand nine hundred and seven, the thirty-first day of the month of December,

Before CHARLES EDMOND TASCHEREAU, the undersigned notary public for the Province of Quebec, residing and practising in the city of Quebec,

CAME AND APPEARED :

THE HONOURABLE NARCISSE PÉRODEAU, notary, and one of the Legislative Councillors of the Province of Quebec,

residing in the city of Montreal, hereinafter called "the vendor,"

Of the one part.

AND

THE GOVERNMENT OF THE PROVINCE OF QUEBEC, herein represented by the Honourable Louis Alexandre Taschereau, Minister of Public Works and Labour, hereunto authorized by an order-in-council passed on the twenty-seventh December instant and approved by His Honour the Lieutenant-Governor in Council on the thirtieth of the same month, a copy whereof shall remain annexed to the original of these presents, after having been signed by the undersigned notary for identification ; the said Government of the Province of Quebec being hereinafter called "the purchaser,"

Of the other part.

Which said parties have declared as follows, to wit :

The said Narcisse Pérodeau, or vendor, has hereby sold under all legal warranties and free and clear of all debts and hypothecs to the said Government of the Province of Quebec, or purchaser, thereof accepting, acting and represented as aforesaid, the following immoveable situate near the Court House in Montreal, bounded on the south-east by Notre-Dame street, and on the north-west by St. James street and containing :

1. A lot of land known and designated under the number one hundred and eighteen (118) of the official plan and book of reference of the East Ward of the said city of Montreal, and bounded in front by Notre-Dame street, with all the rights the vendor has or may have in and to the passage in common between the immoveable presently described and the adjoining property situate on the south-west side and known and designated under the number one hundred and seventeen (117) on the official plan and book of reference of the said East Ward, belonging to the estate of the late Honourable J. A. Berthelot or representatives, which lot of land, according to the book of reference, seems to contain a superficies of two thousand one hundred and eighty-four feet, English measure, but it is sold without warranty as to contents, the difference, whether it be more or less, to be to the profit or loss of the purchaser.

2. A lot of land of triangular shape to be taken from the southern corner of lot number one hundred and twenty-three (123) of the cadastre for the said East Ward of the said city of Montreal, having a superficies of about four hundred and ten feet according to the plan made by H. Blaiklock, surveyor of the cadastre at Montreal and a copy whereof is annexed to

the original of a deed of sale by Her Majesty, Queen Victoria, or the Quebec Government, to the late Mr. Richard John Devins, before Jean Côté, notary, dated the twenty-first June, one thousand eight hundred and eighty-three, a copy whereof was registered in the registry office of Montreal East on the following day under the No. 729 ; the said piece of land is contiguous to the said official lot number one hundred and eighteen above described, and is bounded on the north-west by the continuation of St. James street ; on the south-west by official lot number one hundred and nineteen, on which said immovable is erected a stone and brick building of four stories, besides the attics, and the upper stories whereof have for several years been occupied by the purchaser as lessee, as the whole now is, circumstances and dependencies.

TITLES

The vendor has acquired the said immoveables as follows, to wit :

The lot or immovable hereinabove firstly described from Dame Anne Maria Devins, widow without issue of the late Mr. Thomas Tiffin of Montreal, by deed of sale passed before C. de Salaberry, notary, at Montreal, on the twenty-sixth of January one thousand eight hundred and ninety-three, a copy whereof was registered in the said registry office of Montreal East, on the sixteenth February, one thousand eight hundred and ninety-three, under the No. 33,203.

Mrs. Tiffin was the owner of the said immovable as substitute in the substitution created by the will of the late Mr. Peter Devins, her father, made before the late Mr. J. H. Jobin and his colleague, notaries, on the eighteenth February one thousand eight hundred and sixty-five, a copy whereof was registered in the office of the former registration division of Montreal on the second November of the same year, under the No. 42,536, as appears by the deed of declaration made by the said Dame Tiffin of the opening of the said substitution before C. de Salaberry, notary, at Montreal, on the twenty-sixth January, one thousand eight hundred and ninety-three, a copy whereof was registered at Montreal East, on the 16th February, 1893, under the No. 33,202 ; in which it is declared that Richard John Devins, the brother of the said Dame Tiffin, died without issue on the nineteenth February, one thousand eight hundred and ninety-two, that the said late Peter Devins had acquired the same immovable, with a greater area, from the heirs of David David by deed of sale passed before G. D. Arnoldi, notary, on the nineteenth May one thousand eight hundred and thirty-five ; that the said late Peter Devins had been married only once, to wit : to Dame Anne Maria Holahan who predeceased him and from whom he was separated as to property under

the terms of their marriage contract, passed before Mtre. A. T. Kimber and his colleague, notaries, at Montreal, on the twenty-third April, one thousand eight hundred and twenty-seven and that all seigniorial dues on the said immoveable had been commuted by deed of commutation before F. Faure, notary, on the fourth August, one thousand eight hundred and sixty-eight,

The vendor acquired the above lot of land hereinabove secondly described from Reverend Sister Devins, née Margaret Amelia Devins, of Montreal, a nun of the community of Sisters called "*Les Sœurs de la Charité de l'Hôpital-Général de Montréal*," the universal legatee as to ownership of the late Richard John Devins, by deed of sale passed before C. de Salaberry, notary, on the thirty-first May, one thousand eight hundred and ninety-three, a copy whereof was registered at Montreal East, on the twenty-ninth June, one thousand eight hundred and ninety-three (1893) under the No. 34,256.

The vendor declares that he has settled with the said Sister Devins, the universal legatee of the said late Richard John Devins, as established by a deed of acquittance passed before the said C. de Salaberry, notary, on the twenty-sixth June, one thousand eight hundred and ninety-three, as regards any claims the said Mrs. Tiffin might have against the estate of her brother the said late Richard John Devins or any sums of money which the said seller might legally owe the said estate, as he was obliged to do under the aforesaid deed of sale by the said Dame Tiffin to the said vendor.

The vendors declare that the passage above mentioned has been established under and in the manner set forth in a deed of agreement between James D. Gibb and Peter Devins before J. J. Gibb, notary, on the 31st January, 1846.

CHARGES AND CONDITIONS

This sale is made subject to the following charges and conditions, to wit :

1. This deed of sale is subject to ratification by the Legislature of Quebec at its next session.
2. The purchaser shall take possession and become the owner of the said immoveable only from and after the first May next, if the deed of sale is ratified at that time and, in the contrary case, immediately after its ratification at the said next session, and, in the interval, the immoveable shall be at the risk and peril of the vendor.
3. The purchaser shall maintain the leases now existing.

PRICE OF SALE

The present sale is made for and in consideration of the sum

of forty-seven thousand five hundred dollars which the purchaser shall pay to the vendor after the ratification of the present deed of sale by the Legislature of Quebec.

DECLARATION BY THE VENDOR

The vendor declares that he is married to Dame Mary L. Buckley and is separated from her as to property.

WHEREOF ACTE : Done and passed at Quebec, under the number three thousand nine hundred and seventy-three of the minutes of the undersigned notary.

And the parties have, with the undersigned notary, signed these presents duly read.

(Signed) N. PÉRODEAU,
 “ L. A. TASCHEREAU,
 “ C. E. TASCHEREAU, N. P.

True copy of the original remaining of record in my office.

C. E. TASCHEREAU, N. P.

CHAP. 10

An Act to amend the act to grant a yearly subsidy to certain municipalities for the making and maintenance of roads

[Assented to 25th April 1908]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

7 Ed. VII, c.
3, s. 2,
amended.
Corporation
not bound to
make, &c.,
roads, &c.,
in certain
cases.

1. Section 2 of the act 7 Edward VII, chapter 3, is amended by adding the following paragraphs thereto :

“ On taking front roads under its charge the corporation is not obliged to make or maintain the fences separating such roads from the lands abutting on the same ; but such fence shall be at the charge of the neighbouring proprietors. Neither is it bound to maintain the water-courses, which remain at the charge of the persons mentioned in the *procès-verbaux* or by-laws governing them.

Proviso as to
maintenance
of summer
roads.

Nevertheless the by-law mentioned in the first paragraph of this article shall not apply to the maintenance of summer roads unless it contains a provision to that effect and, in such case, the maintenance of winter roads shall be at the charge