

C H A P . 166

An Act to make provision for the partition of the Estate of the late John Redpath.

[Assented to 14th April, 1908]

Preamble.

WHEREAS Francis Robert Redpath, manufacturer ; Dame Augusta Eleanor Redpath, wife of Charles James Fleet, advocate and King's Counsel ; Dame Emily Jane Bonar Redpath, wife of Henry Taylor Bovey, Dean of the Faculty of Applied Science of McGill University ; Harold Mills Redpath, gentleman ; Dame Amy Redpath, wife of Thomas G. Roddick, Dean of the Faculty of Medicine of McGill University ; the Honorable Sir George Alexander Drummond, Knight of the Order of St. Michael and St. George, universal legatee in trust of the late Dame Helen Redpath ; Huntly Redpath Drummond, merchant ; Arthur Lennox Drummond, gentleman ; John Redpath Dougall, newspaper publisher and proprietor ; Miss Susan Grace Dougall ; Miss Elizabeth Margaret Cochrane ; Miss Edith Mary Cochrane ; Miss Grace Winnifred Cochrane ; all of the city of Montreal ; Dame Gertrude St. Francis Taylor, wife of Emile Theodore Lambert of the town of Westmount, professor ; Dame Margaret Beatrice Taylor, wife of Arthur Wells Robinson of the town of Westmount, civil engineer ; Henry Warren Jones of London, England, solicitor, the said Charles James Fleet and the said Harold Mills Redpath in their quality of executors and trustees under the will of the late Dame Grace Wood, widow of the late Peter Redpath ; Dame Annie Jean Savage of St. Leonards-on-Sea, England, widow of the late Reverend George Drummond Redpath in his lifetime of Harbledown in England, and Robert Whitelaw of Rugby, in England, gentleman, in their quality of executors and trustees under the will of the late Reverend George Drummond Redpath ; Miss Alice Maud Redpath ; Miss Alice Ethel Redpath, both of Eastbourne in the County of Sussex, in England ; Miss Lucy Mabel Redpath, and Miss Helen Redpath, both of St. Leonards-on-Sea aforesaid ; Edward Thornton Taylor of Kingston in the Province of Ontario, Colonel Commanding the Royal Military School, and George Hyde of the city of Montreal, accountant, in their quality of executors of the will of the late Dame Mary Redpath in her lifetime of the city of Montreal, widow of the late Thomas M. Taylor ; the said Edward Thornton Taylor, personally ; Archibald Dunbar Taylor, of Vancouver in the Province of British Columbia, barrister ; Miss Helen Ida Taylor, of Vancouver aforesaid ; the said John Redpath Dougall and Robert Russell Simpson, of Edinburgh in Scotland,

writer to the Signet, in their quality of executors and trustees under the will of the late Miss Jane Margaret Redpath in her lifetime of Edinburgh aforesaid ; James Dennistoun Mitchell of Carwood, Biggar, Scotland, gentleman, and Robert Maxwell Dennistoun, of Winnipeg, in Manitoba, barrister, in their quality of executors and trustees under the will of the late Dame Margaret Pringle Redpath in her lifetime of Edinburgh in Scotland, widow of the late Alexander Dennistoun ; James Duncan Dougall, of Flushing in the State of New York, publisher ; Frederick Eugene Dougall, of the city of Montreal, journalist ; Miss Janet Alice Dougall of Flushing aforesaid ; and Miss Lilly Dougall, of Exmouth, in the county of Devon in England, all personally, and the three last named also in their quality of executors of the last will of the late Miss Janet Elizabeth Dougall in her lifetime of Montreal aforesaid ; Miss Grace Burton Wood, and Miss Agnes Mary Wood, both of the Manor House, Chislehurst, county of Kent, in England ; Dame Margaret Ellen Roux wife of Theophile Roux, of Paris in France, minister, and Miss Mary Bacon Brailsford of Bowden, in the county of Chester, in England ; Hugh Cochrane, of Hampstead in England, journalist ; Dame Alice Jane Taylor, wife of Alfred Walton Brailsford, of Bradford in England, accountant, and the said Alfred Walton Brailsford ; John Reginald Redpath, of Pincher Creek, in the Province of Alberta, ranchman ; and Donald Cochrane, of Mission, in the Province of British Columbia, student ; have by their petitions represented :—

1. That they are beneficiaries under the will of the late John Redpath, in his lifetime of the city of Montreal ;

2. That the said late John Redpath died at Montreal in the year 1869 leaving his last will and codicil which were proved in the Superior Court, district of Montreal, on the sixteenth day of April, 1869, whereby he directed that the residue of his estate should be divided equally share and share alike among all his children or their issue, the whole as provided in the will, and further directed that no division of his estate should take place during the lifetime of his wife ;

3. That the said John Redpath, appointed executors of his will with full powers of administration and sale, and continued their powers until the death of his said wife ;

4. That Dame Jane Drummond, widow of the testator, died on the thirtieth day of January, 1907, and the powers of the executors of the said will thereupon immediately ceased and the estate of the said John Redpath thereupon immediately vested in his said residuary legatees as undivided owners thereof ;

5. That the said John Redpath, left twelve children him surviving, none having predeceased him leaving issue ;

6. That nine of the said children predeceased the said Dame Jane Drummond, and their shares in the said estate are now vested in their legal representatives;

7. That the persons interested in the said estate as residuary legatees are very numerous and a great number are resident in England and elsewhere outside of the Province of Quebec;

8. That the said estate comprises a large quantity of real estate, bonds, stocks and other registered securities;

9. That on the death of the said Jane Drummond it became imperatively necessary in the interests of all concerned to make provision for the administration, sale and partition of the property of the said estate;

10. That by deed executed at Montreal the fifth day of October, 1907, before W. de M. Marler, notary public, under No. 27,901, the beneficiaries under the said will with the exception of those hereinafter referred to, transferred all the assets of the said estate to Francis Robert Redpath, Huntly Redpath Drummond, and George Hyde, all of the city of Montreal, and by deed of the same date before the same notary under No. 27902, between the said parties, the trusts upon which the said property was to be held were declared, the objects of the said deeds being to provide for a partition of the said estate in an equitable and speedy manner between the twelve branches by dividing it into shares one for each of the twelve children of the said late John Redpath, and by attributing these shares to the beneficiaries by lot;

11. That the transferors in the said deeds comprise all the surviving children of the said John Redpath, and all the known legal representatives of all the children who predeceased the said Dame Jane Drummond with the exception of:

(a) Margaret Antonia Cochrane, one of the seven children of Dame Margaret Jane Dougall, a grandchild of the said John Redpath, whose interest is an undivided one forty-second part of one-twelfth, to wit an undivided one five hundred and fourth part in the real property;

(b) Arthur Cochrane, another child of the said Dame Margaret Jane Dougall, who transferred all his interest in his mother's estate to his sister Edith Mary Cochrane by agreement under his hand bearing the date the 24th January, 1907, and deposited with W. de M. Marler, notary, at Montreal on the fifth day of October, 1907;

(c) Anthony McKean Cochrane, the husband of the said Dame Margaret Jane Dougall, who succeeded to the personal estate of his said wife by reason of her dying intestate while domiciled in the State of New Jersey, and ratified the said deeds by act before W. de M. Marler, N. P., executed the fifteenth day of January 1908;

(d.) The executors and trustees of the will of the late Dame Grace Wood, widow of the late Peter Redpath, one of the children of the said John Redpath, proved in the High Court of Justice in England, on the eighth day of April, 1907, copy whereof was deposited on the 15th day of July, 1907, with Henry Fry, notary public, at Montreal.

12. That the said Dame Grace Wood was the widow and sole residuary legatee of the late Peter Redpath, one of the children of the said John Redpath, under his will proved in the High Court of Justice, in England on the 18th April, 1894;

13. That the tutor to the property of the said Margaret Antonia Cochrane has approved of the said transfer.

14. That the executors and trustees of the will of the said late Dame Grace Wood are unable to become parties to the said deed because they have been advised that so to do would be in excess of their powers under the laws of England by which they are governed, but all the residuary legatees are parties thereto with the exception of the trustees of that portion bequeathed to Dame Margaret Ellen Roux, and of that portion bequeathed to Gertrude St. Francis Taylor, wife of Emile Theodore Lambert, the said trustees being the trustees of the said will;

15. That the said Margaret Ellen Roux who has a life interest and power to withdraw from the trust, and the said Gertrude St. Francis Lambert who has also a life interest, are parties to the said deeds;

16. That the interests held in trust for the said Margaret Roux and Gertrude St. Francis Lambert represent each one undivided one-twentieth of one-twelfth, to wit an undivided one two hundred and fortieth part in the estate of the said late John Redpath;

17 That to effect a partition of the said estate in the usual way would cause great expense, delay and serious loss more especially in that the owners of small interests would be unable to protect themselves in case a forced sale should be necessary;

18. That it is in the interest of all parties concerned that provision should be made for a speedy and inexpensive partition of the said estate between the twelve children of the said late John Redpath or their legal representatives, and for the granting to purchasers of a good title to the property comprised therein, and that the said deeds should be ratified and confirmed;

Whereas the petitioners have established the allegations of their petition, 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 :

Certain deeds of Nov., 5th, 1907, confirmed. **1.** The said two deeds executed on the fifth day of October, 1907, at Montreal, before W. de M. Marler, N. P., are hereby ratified and confirmed, and declared binding on all persons having or claiming under or by reason of the said will of the said late John Redpath, any interest in or to any of the property thereby transferred.

Certain sales, &c., to confer good title, &c. **2.** All sales or transfers heretofore made or which may hereafter be made by the said Francis Robert Redpath, Huntly Redpath Drummond, and George Hyde, or their successors in the trust, whether to parties to said trust deed of date the fifth day of October, 1907, or to other persons, shall convey a good and valid title to the property purporting to be sold or transferred free from any claim of any person claiming under or by reason of the said will; and all partitions made and other acts done or performed by the said trustees in accordance with the powers conferred on them by said deeds or which may be accepted or ratified by the other parties to the said deeds, shall be binding on all persons claiming as aforesaid.

Certain rights saved. **3.** Nothing in this act shall be taken to deprive any person of any interest he may have in the said estate of the said late John Redpath, but the recourse of any such person shall be limited to recovering from his co-heirs or their successors by general title, such property or moneys as any of them may have wrongfully received.

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

SCHEDULE A

BEFORE M^{RE} WILLIAM DE M. MARLER, the undersigned
Notary for the Province of Quebec, practising at the City
of Montreal,

APPEARED :

1. FRANCIS ROBERT REDPATH, of the City of Montreal, esquire.
2. DAME AUGUSTA ELEANOR REDPATH, wife separate as to property by their marriage contract of CHARLES J. FLEET, of the City of Montreal, advocate and King's Counsel, duly authorized by her said husband for the purposes hereof ;

3. DAME EMILY JANE BONAR REDPATH, wife separate as to property by their marriage contract of HENRY T. BOVEY, of the city of Montreal, Dean of the Faculty of Applied Science of McGill University, duly authorized by her said husband for the purposes hereof ;
4. HAROLD MILLS REDPATH, of the City of Montreal, esquire.
5. DAME AMY REDPATH, wife separate as to property by their marriage contract of THOMAS GEORGE RODDICK, of the city of Montreal, Dean of the Faculty of Medicine of McGill University, duly authorized by her said husband for the purposes hereof ;
6. JOHN REGINALD REDPATH, of Pincher Creek, ranchman.
Herein acting by the said Charles James Fleet and John Redpath Dougall, newspaper publisher and proprietor, and Preble Macintosh, chartered accountant, both of the City of Montreal, his special attorneys under a power of attorney executed before witnesses at Pincher Creek on the twenty-second of July last (1907), authenticated by the certificate of Donald Thomson, a notary public for the Province of Alberta, and deposited in the office of the undersigned notary on the date hereof.
7. The said HAROLD MILLS REDPATH and CHARLES JAMES FLEET, who, with HENRY WARREN JONES, of No. 39 Lime Street, London, are the trustees appointed under the last will and testament and codicils thereto of the late Grace Wood, in her lifetime of Chislehurst, in the county of Kent, in England, widow and universal legatee of the late Peter Redpath, in his lifetime of the same place, and a majority of the trustees, and act herein with the approval (as testified by their signatures hereto) of her residuary legatees, viz :
 - a. The said HAROLD MILLS REDPATH ;
 - b. The said Dame AMY REDPATH *et vir*;
 - c. The said JOHN REGINALD REDPATH;
 - d. Miss GRACE BURTON WOOD and Miss AGNES MARY WOOD, both spinsters of the full age of twenty-one years of the Manor House, Chislehurst, aforesaid.
Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as their attorneys duly constituted for the purposes hereof under a power of attorney executed by them at Barnard Castle, County of Durham, in England, before witnesses, and authenticated by the affidavit of one of the witnesses

before the Mayor of Darlington and deposited in the office of the undersigned Notary on the date hereof.

- e. Dame MARGARET ELLEN ROUX, wife of THEOPHILE ROUX, of Paris, in France, minister, and Miss MARY BACON BRAILSFORD, of Oakfield Cottage, Bowdon, in the County of Chester, in England.

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as their attorneys duly constituted for the purposes hereof under a power of attorney executed by the said Margaret Ellen Roux at Bradford, in England, before witnesses, on the thirteenth of August last (1907), authenticated by the affidavit of one of the witnesses before the mayor of Bradford; and by the said Mary Bacon Brailsford on the fifteenth of August last (1907), before witnesses, and authenticated by the affidavit of one of the witnesses before the Lord Mayor of Liverpool; which power of attorney and the authorization of the said Theophile Roux were deposited in the office of the undersigned notary on the date hereof.

Dame GERTRUDE ST. FRANCIS TAYLOR, wife of EMILE THEODORE LAMBERT, of the town of Westmount, professor, authorized by her husband for the purposes hereof.

8. The HONOURABLE SIR GEORGE ALEXANDER DRUMMOND, of the City of Montreal, Knight of the Order of St. Michael and St. George, and one of the Senators of the Dominion of Canada, acting herein as universal legatee in trust, of his deceased wife, the late Dame Helen Redpath, under her will received by W. A. Phillips and his colleague, notaries, on the tenth of December, eighteen hundred and seventy-nine, and with the approval (as testified by their signatures hereto) of the only surviving issue of their marriage, namely, Huntly Redpath Drummond and Arthur Lennox Drummond, both of the City of Montreal, Esquires.

9. The said JOHN REDPATH DOUGALL.

10. JAMES D. DOUGALL, of Botanic Place, Flushing, in the State of New York, one of the United States of America :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as his attorneys duly constituted for the purpose hereof under a power of attorney executed before witnesses at New York on the thirteenth day of September last (1907) authenticated by the certificate of Frederick W. Fielding, a notary

public there, and deposited in the office of the undersigned Notary on the date hereof.

11. MISS SUSAN GRACE DOUGALL, of the city of Montreal, unmarried woman of the full age of twenty-one years.
12. MISS LILY DOUGALL, of the East Undercliff, Exmouth, in the county of Devon, in England, spinster, of the full age of twenty-one years :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, her attorneys duly constituted for the purposes hereof under a power of attorney from her executed at Cambridge, in England, on the sixteenth of August last (1907), before a witness and authenticated as to her signature by the affidavit of the witness before A. E. King, a notary public at Cambridge aforesaid, and deposited with the undersigned notary on the date hereof.

13. MISS ELIZABETH MARGARET COCHRANE, MISS EDITH MARY COCHRANE, and MISS GRACE WINNIFRED COCHRANE, all of the city of Montreal, unmarried women of the full age of twenty-one years ; the said Edith Mary Cochrane also herein acting as the transferee of the rights in the estate of the late John Redpath, in his lifetime of the city of Montreal, Esquire, of her brother Arthur Dougall Cochrane, of Paolo Alto, in the State of California, one of the United States of America, under a transfer executed before a witness on the twenty-fourth day of January last, and deposited with the undersigned notary on the date hereof.

14. FREDERICK EUGENE DOUGALL, of the City of Montreal journalist, Miss JANET ALICE DOUGALL, of Botanic Place, Flushing aforesaid, spinster of the full age of twenty-one years, and the said Lily Dougall, all herein acting in their quality of executors of the last will and testament of the late Miss Janet Elizabeth Dougall, in her lifetime of the city of Montreal, unmarried woman :

The said Janet Alice Dougall acting herein by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, her attorneys duly constituted for the purposes hereof under a power of attorney from her and others, executed at New York before witnesses on the thirteenth day of September last (1907), authenticated by the certificate of Frederick W. Fielding, a notary there, and deposited in the office of the undersigned notary on the date hereof.

And the said Lily Dougall acting herein by the said

Charles James Fleet, John Redpath Dougall and Preble Macintosh, her attorneys duly constituted for the purposes hereof under the power of attorney hereinbefore mentioned.

The said executors of the late Miss Janet Elizabeth Dougall act herein with the approval (as testified by their signatures hereto) of the beneficiaries under her will, namely : the said Elizabeth Margaret Cochrane, Edith Mary Cochrane, Grace Winnifred Cochrane, Lily Dougall, Janet Alice Dougall and Frederick Eugene Dougall.

15. HUGH COCHRANE, of Hampstead, in England, journalist :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed by him at Hampstead aforesaid, on the twentieth of August last (1907), before a witness, authenticated by the affidavit of the witness before William Oliver, a notary public at London aforesaid, and deposited in the office of the undersigned notary on the date hereof.

16. DONALD COCHRANE, of Mission, in the Province of British Columbia :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed by him at Vancouver on the twenty-sixth day of September last, before a witness, duly authenticated by the affidavit of the witness before H. G. Ross, a notary public at Vancouver, and deposited in the office of the undersigned notary on the date hereof.

17. EDWARD THORNTON TAYLOR, of Kingston, in Ontario, Colonel Commanding The Royal Military School, and GEORGE HYDE, of the city of Montreal, accountants :

Herein acting in their quality of executors of the will of the late Dame Mary Taylor, in her lifetime of the city of Montreal, widow of the late Thomas M. Taylor : the said Edward Thornton Taylor is one of the executors named in the said will : the said George Hyde was appointed an executor by a judgment rendered in the Superior Court, in the District of Montreal, on the thirty-first of March, eighteen hundred and ninety-eight, in place of Archibald Dunbar Taylor the other executor named in the said will who resigned by deed before the undersigned notary on the twenty-first of March, eighteen hundred and ninety-eight.

The said Edward Thornton Taylor acts herein by the

said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed at Kingston aforesaid, on the fifth of June last (1907) before a witness, and authenticated by the certificate of J. B. Walkem, a notary public for the Province of Ontario, and deposited in the office of the undersigned notary on the date hereof.

The said executors act herein with the approval (as by their signatures hereto) of the residuary legatees of the said late Dame Mary Taylor, namely :

- a. ARCHIBALD DUNBAR TAYLOR, barrister-at-law, of Vancouver, in the Province of British Columbia.
- b. MISS HELEN IDA TAYLOR, unmarried woman of the full age of twenty-one years of the same place :

Both herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, their attorneys duly constituted for the purposes hereof under a power of attorney executed before witnesses at Vancouver aforesaid on the eighth of June last (1907), and authenticated by the certificate of A. W. V. Innes, a notary public for the Province of British Columbia, and deposited in the office of the undersigned notary on the date hereof.

- c. The said EDWARD THORNTON TAYLOR, acting by his attorneys the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, under the power of attorney above mentioned.
- d. DAME ALICE JANE TAYLOR, wife of ALFRED WALTON BRAILSFORD, of Bradford, in England, merchant, duly authorized by her said husband and the said Alfred Walton Brailsford in his own name and to authorize his said wife.

Both herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, their duly constituted attorneys under a power of attorney executed at Bradford, in England, before a witness, authenticated by the affidavit of the witness before H. O. Wade, a notary public there, and deposited in the office of the undersigned notary on the date hereof.

- e. The said DAME GERTRUDE ST. FRANCIS TAYLOR, authorized by her said husband.
- f. DAME MARGARET BEATRICE TAYLOR, wife of ARTHUR WELLS ROBINSON, of the Town of Westmount, civil engineer, duly authorized by her said husband for the purposes hereof, and the said Arthur Wells Robinson to authorize his said wife.

18. The said JOHN REDPATH DOUGALL and ROBERT RUSSELL SIMPSON, of Edinburgh, in Scotland, writer to the Signet: acting herein in their quality of executors of the will and trustees of the estate of the late Miss Jane Margaret Redpath, in her lifetime formerly of the city of Montreal, but at the time of her death of Edinburgh, aforesaid :

The said Robert Russell Simpson acts herein by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed at Edinburgh, in Scotland, on the twenty-fourth of July last (1907), before a witness, and authenticated by the affidavit of the witness before a notary public, at Edinburgh aforesaid, and deposited in the office of the undersigned notary on the date hereof.

The said trustees and executors act herein with the approval (as testified by their signatures hereto) of her residuary legatees, the said Susan Grace Dougall and Lily Dougall, and of the executors and beneficiaries under the will of the late Miss Janet Elizabeth Dougall:

19. JAMES DENNISTOUN MITCHELL, of Cairwood, Biggar, Scotland, and ROBERT MAXWELL DENNISTOUN, of Winnipeg, in Manitoba, barrister-at-law, in their quality of executors of the will and trustees of the estate of the late Dame Mary Pringle Redpath, in her lifetime of Edinburgh aforesaid, widow of the late Alexander Dennistoun.

The said James Dennistoun Mitchell and Robert Maxwell Dennistoun acting herein by their attorneys the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, duly constituted for the purposes hereof under the powers of attorney : the one executed by the said James Dennistoun Mitchell, at Glasgow, in Scotland, on the seventeenth of July last (1907), before a witness, and authenticated by the affidavit of the witness before a notary public, at Glasgow aforesaid ; and by the said Robert Maxwell Dennistoun, before a witness, at Winnipeg, on the thirteenth of July last (1907), authenticated by the affidavit of the witness before a notary public there, which powers of attorney were deposited in the office of the undersigned notary on the date hereof.

The said executors and trustees act herein with the approval (as testified by their signatures hereto) of her residuary legatees, the above named : Francis Robert Redpath, Eleanor Augusta Redpath and Emily Jane Bonar Redpath.

20. DAME ANNIE JEAN SAVAGE, of St. Leonards-on-Sea, England, widow of the late Reverend George Drummond Redpath, in his lifetime of Habledown, in England, and Robert Whitelaw, of Rugby, in England, Gentleman: both herein acting in their quality of executors of the will and trustees of the estate of the said late Reverend George Drummond Redpath, and acting herein with the approval of all the children of the said late Reverend George Drummond Redpath, namely: Miss Alice Maud Redpath and Miss Alice Ethel Redpath, both of Eastbourne, in the county of Sussex, in England, spinsters of the full age of twenty-one years, and Miss Lucy Mabel Redpath, and Miss Helen Redpath, both of St. Leonards-on-Sea, aforesaid, spinsters of the full age of twenty-one years.

All herein acting by the said Charles James Fleet, John Redpath Dougall and Peble Macintosh, their attorneys duly constituted for the purposes hereof under three powers of attorney: the one executed by the said Annie Jean Savage, Lucy Mabel Redpath and Helen Redpath, at Malvern, in England, on the twenty-first of August last (1907), before a witness and authenticated by the affidavit of the witness before William Oliver, a notary public, at London aforesaid, another from Robert Whitelaw, executed before a witness at Granton, on the fourteenth of August last (1907), and authenticated by the affidavit of the witness before John Grant, a notary public and justice of the peace: and the third from Alice Maud Redpath and Alice Ethel Redpath, executed before a witness at Clandon, on the twenty-seventh of August last (1907), and authenticated by the affidavit of the witness before William Oliver, a notary public, at London aforesaid: all of which powers of attorney were deposited in the office of the undersigned notary on the date hereof.

21. The said FRANCIS ROBERT REDPATH, acting herein personally in his quality of executor of the last will and testament of the late William Wood Redpath, in his lifetime of the city of Montreal, notarial student, acting herein with the consent and approval of the said Augusta Eleanor Redpath, Emily Jane Bonar Redpath and the representatives of the late Margaret Pringle Redpath.

WHO, together with Miss Margaret Antonia Cochrane, otherwise called Miss Greta Cochrane, minor daughter of the late Dame Margaret J. Dougall, whose ratification upon

attaining majority they jointly and severally undertake, are hereinafter called "the Vendors."

Who have, by these presents, sold and conveyed, with legal warranty, unto the said Francis Robert Redpath, Huntly Redpath Drummond, and George Hyde, of the city of Montreal, chartered accountant, hereinafter called "the Purchasers," and hereto present and accepting for themselves, the survivors and survivor of them, the following moveable and immoveable property, namely :

1. *Stocks and Bonds :*

The various shares of stock and bonds which are described in the schedule marked A hereunto annexed, signed *ne varietur*, by the parties hereto in the presence of the said notary.

The vendors undertake and oblige themselves forthwith to execute such transfers on the books of the several banks and companies or on the scrip certificates representing the shares, as may be necessary to vest the said shares in the purchasers : and for this purpose the vendors constitute the above named Charles J. Fleet, John Redpath Dougall and Preble Macintosh or any of them their true and lawful attorneys and attorney and authorize them or any of them for them and in their names to make, sign and execute all such declarations of transmission as may be necessary to establish the ownership of such shares in the vendors and to execute in favour of the said purchasers such transfers as may be necessary to convey such shares to the purchasers.

2. *Obligations :*

The following obligations with hypothecs, namely

a. The sum of five thousand dollars bearing interest at the rate of five *per centum per annum* from the 1st of April, nineteen hundred and seven, due by Dame Rachel Lazarus, wife of Hyman L. Blumenthal, of the city of Montreal, merchant, as the balance of price due to the executors of the late John Redpath under a certain deed of sale executed before W. de M. Marler notary, on the twenty-third of November, nineteen hundred and three, and registered in the registry office for the registration division of Montreal West under No. 104,066.

b. The sum of two thousand six hundred and fifty dollars, bearing interest at the rate of five and one-half *per centum per annum* from the first of May, nineteen hundred and seven, due by John Morell Mackenzie Duff, of the city of Montreal, chartered accountant, under deed of obligation from Marie

Louise Champeau and others to the executors of the late John Redpath, executed before O'Hara Baynes, notary, on the twenty-fourth of August, eighteen hundred and ninety-six, and registered in the registry office for the registration division of Montreal West, under No. 128,656, which obligation was assumed by James Baxter, under a deed of sale to him from Ma ie Louise Champeau *et al.*, executed before O'Hara Baynes, notary, on the twelfth of November, eighteen hundred and ninety-seven, and registered under No. 130,295, and lastly by the said Mr. Duff under a deed a sale from the said James Baxter, to him executed before R. A. Dunton, notary, on the twenty-fourth of January, nineteen hundred and registered under No. 133,293.

c. The sum of ten thousand dollars, bearing interest at the rate of five *per centum per annum* from the first of May, nineteen hundred and seven, due by Dame Catherine McGinn, of the city of Montreal, widow of the late Michael Feron, under a deed of obligation executed by the said late Michael Feron in favour of the said executors of the late John Redpath, before O'Hara Baynes, notary, on the thirteenth of December, eighteen hundred and eighty-nine, and registered in the registry office for the registration division of Montreal West, under No. 118,324.

d. The sum of ten thousand dollars bearing interest at the rate of five *per centum per annum* from the first day of June, (1907) due under a certain deed of obligation granted by Robert R. Goold in favour of the executors of the late John Redpath, executed before O'Hara Baynes, notary, on the first of April, eighteen hundred and ninety-eight, and registered in the registry office for the registration division of Montreal West, under No. 130,853, and which is now payable by Robert James Ironside, of the city of Montreal, merchant, who assumed the payment thereof under a deed of sale from The Royal Trust Company executed before R. B. Hutcheson, notary, on the nineteenth of November, nineteen hundred and six, registered in the said registry office under No. 143,297.

e. The sum of four thousand five hundred dollars, balance of the price payable to the executors of the late John Redpath by Dame Elizabeth Morrison, wife of William Thomas Ware, of the city of Montreal, exporter, under a deed of sale from the said executors to Francis William Newman, executed before the undersigned notary on the twenty-third of February, nineteen hundred, registered in the registry office for the counties of Hochelaga and Jacques Cartier, under the No. 83,387 and assumed by the said Mrs. Ware under a deed of sale to her from the said Francis William Newman, executed before the undersigned notary on the same date (23rd Feb-

ruary, 1900), and registered in the last mentioned registry office under the No. 83,376.

f. The sum of two thousand seven hundred and fifty dollars bearing interest at the rate of five *per centum per annum* from the first day of February, nineteen hundred and seven, payable by Dame Hannah Jane Grieve, of the city of Montreal, widow of the late Thomas Nichol, and comprising the sum of two thousand dollars, balance of an obligation granted by her in favour of the said executors before O'Hara Baynes, notary, on the ninth of February, eighteen hundred and ninety-two, registered in the registry office for the registration division of Montreal West, under No. 121,954 : and the sum of seven hundred and fifty dollars amount of a new loan for which and for the said sum of two thousand dollars, making in all two thousand seven hundred and fifty dollars, the said Dame Hannah Jane Grieve granted an obligation in favour of the said executors before H. M. Marler, notary, on the seventeenth of December, nineteen hundred and three, and registered in the said registry office under No. 138,597.

g. The sum of seven thousand dollars, balance now remaining unpaid of the sum of eight thousand dollars, bearing interest at the rate of five *per centum per annum* from the twelfth day of February, nineteen hundred and seven, payable to the executors of the late John Redpath by Shirley Ogilvie, of the city of Montreal, gentleman, the said sum being the balance in capital of an obligation granted by James Crathern and Joseph B. Learmont in favour of the said executors passed before O'Hara Baynes, notary, on the twelfth of August, eighteen hundred and ninety-three, and registered in the registry office for the registration division of Montreal West under No. 124,384, and assumed by Charles E. L. Porteous under a deed of sale to him from the said James Crathern and Joseph B. Learmont, executed before Wm. McLennan, notary, on the sixteenth of April, eighteen hundred and ninety-four, and registered under the No. 125,488, and afterwards by the said Shirley Ogilvie, under a deed of sale to him from the said Charles E. L. Porteous, executed before R. A. Dunton, notary, on the twenty-second of October, nineteen hundred and six, and registered in the said registry office under the No. 143,108.

h. The sum of seven thousand five hundred dollars, bearing interest at the rate of five *per centum per annum* from the first of April, nineteen hundred and seven, payable to the said executors by the trustees of the religious congregation of the Sherbrooke Street Methodist Church, as is set forth in a certain deed of obligation executed before O'Hara Baynes, notary, on the fifteenth of February, eighteen hundred and ninety, registered in the registry office for the registration division of Montreal East, under No. 26,322 and under a deed of obligation

granted by the said trustees in favour of the said executors Redpath, before O'Hara Baynes, notary, on the first of February, eighteen hundred and ninety-two, and registered in the said registry office under the No. 30,741.

i. The sum of fifteen thousand dollars, balance now remaining unpaid of the sum of twenty-five thousand dollars bearing interest at the rate of five *per centum per annum*, from the twentieth of December, nineteen hundred and six, payable to the said executors by Alexander Parker Willis, of the town of Westmount, piano merchant, as the balance of the price payable by him to the said executors Redpath under a deed of sale executed before the undersigned notary, on the twentieth of June, nineteen hundred and six, and registered in the registry office for the registration division of Montreal West, under the No. 142,671.

j. The sum of eight thousand dollars bearing interest at the rate of five *per centum per annum* from the eighteenth of February last, (1907), due by Dame Lucy W. Atwater, wife of James H. Sherrard, of the town of Westmount, manager, under a deed of obligation granted by her in favour of the said executors Redpath, executed before H. M. Marler, notary, on the eighteenth of February last, registered in the registry office for the counties of Hochelaga and Jacques Cartier, under the No. 130,616.

And the vendors subrogate and substitute the purchasers in all their rights, actions, privileges and hypothecs resulting from the deeds hereinbefore referred to or in any way incidental to the said debts hereby transferred, and the vendors constitute the purchasers their true and lawful attorneys and authorize them if need be to grant discharge of the said several debts above mentioned in the names of the vendors should they think proper.

3. *The following real estate :*

1. The Terrace Bank property, being lot number seventeen hundred and fifty-five (1775) on the official plan and book of reference of the St. Antoine ward, of the city of Montreal, less the portions thereof which have been already sold by the executors of the late John Redpath under deeds duly registered.

2. The house number one hundred and fourteen (114) Mackay Street, in the city of Montreal, and the yard and out-buildings thereunto belonging being part of lot number sixteen hundred and ninety-one (1691) on the official plan and book of reference of the St. Antoine ward, of the city of Montreal.

3. That certain block of tenement houses bearing the civic numbers from fourteen (14) to twenty-eight (28) inclusive of

Mackay Street, and forming part of lot number fifteen hundred and eighty-four (1584) on the official plan and book of reference of the said St. Antoine ward.

4. The lot number eighteen hundred and sixty (1860) on the official plan and book of reference of the St. Ann's ward, of the city of Montreal, with the warehouse No. forty-five (45) St. Maurice Street thereon erected.

5. The thirteen-twenty-second part of the Albert buildings numbers two hundred and eighty-eight (288) and two hundred and ninety (290) St. James Street, being the Western part of lot number nine hundred and thirteen (913) on the official plan and book of reference of the said St. Antoine ward and being subject to a lease and promise of sale made by the said executors to the Herald Publishing Company, executed before the undersigned notary, on the 10th April, (1905), and which the purchasers are to maintain.

Together with all the rights appertaining to the said property.

6. The houses numbers two hundred and sixty-five (265), two hundred and sixty-seven (267), two hundred and sixty-nine (269), and two hundred and seventy-one (271), University street, and the yards and outbuildings thereunto appertaining, erected on part of subdivision seventy-four (74), of lot number eighteen hundred and twenty-two (1822) on the said official plan and book of reference of the said St. Antoine ward of the city of Montreal.

7. The houses numbers one hundred and forty-nine (149), and one hundred and fifty-one (151) Metcalfe Street, in the city of Montreal, with the yards and outbuildings thereunto appertaining, being erected on parts of lot number fourteen hundred and twenty (1420), on the official plan and book of reference of the said St. Antoine ward.

8. The house No. three hundred and fifty (350), Prince Arthur Street, in the city of Montreal, and the yard and outbuildings thereunto appertaining, erected on part of subdivision seventy-three of the official subdivisions of lot number eighteen hundred and twenty-three (1823-73), on the official plan and book of reference of the St. Antoine ward.

9. The warehouse numbers one hundred and fifty-six (156), and one hundred and fifty-eight (158), Craig Street West, in the city of Montreal, erected on part of subdivision eleven of the official subdivisions of lot number two hundred and seven (207-11) on the official plan and book of reference of the West ward, of the city of Montreal.

10. The premises one hundred and fifty-five (155) to one hundred and fifty-nine (159) inclusive, of Fortification lane, in the city of Montreal, being part of subdivision five of the

official subdivisions of lot number two hundred and seven on the official plan and book of reference of the West ward of the city of Montreal.

Notwithstanding the above enumeration it is the intention of the vendors to sell and of the purchasers to acquire the entire property, moveable and immoveable, belonging to the vendors as the legal representatives of the late John Redpath and of his succession as administered by the executors of his will. In consequence the omission of the description of any asset herein shall not in any way prejudice the right of the purchasers to obtain such asset : and the said Charles J. Fleet, John Redpath Dougall and Preble Macintosh are constituted the attorneys jointly and severally of the vendors, and of each of them, for the vendors and in their names, and for and in the name of each of them to make all such declarations as to their title or otherwise, and to execute all such supplementary deeds as may in the opinion of the purchasers be necessary or expedient to vest in the purchasers the entire estate and succession of the said late John Redpath as the same was on the death of the said late Dame Jane Drummond, and as up to that time administered by the executors of the will of the said late John Redpath, together with all revenues and income since received.

The present sale and conveyance is thus made for good and valuable consideration which the vendors acknowledged to have received from the purchasers at the execution hereof whereof quit.

In the event of the death of any one of the purchasers, all and every the property, moveable and immoveable, hereby sold and conveyed or intended so to be shall belong to the survivors and survivor of the purchasers, to the exclusion of the heirs or legal representatives of the deceased purchaser, any law, usage, or custom to the contrary notwithstanding.

WHEREOF ACTE. THUS DONE AND PASSED at the city of Montreal, on this fifth day of October, one thousand nine hundred and seven, and of record in the office of the undersigned notary, under the No. twenty-seven thousand nine hundred and one

And after due reading hereof the parties signed in the presence of the said notary on various dates and closed and signed by the said notary on the fifth day of October, nineteen hundred and seven.

(Signed) F. R. REDPATH,
“ H. R. DRUMMOND,
“ G. St. F. LAMBERT,
“ M. B. ROBINSON,

(Signed) E. T. LAMBERT,
 " A. W. ROBINSON,
 " HAROLD M. REDPATH,
 " J. R. DOUGALL,
 " S. G. DOUGALL,
 " ELISABETH M. COCHRANE,
 " EDITH COCHRANE,
 " G. WINIFRED COCHRANE,
 " E. J. B. BOVEY,
 " HENRY T. BOVEY,
 " A. ELEANOR FLEET,
 " C. J. FLEET,
 " GEO. HYDE,
 " AMY REDPATH RODDICK,
 " T. G. RODDICK,
 " GEO. A. DRUMMOND,
 " FREDERICK E. DOUGALL,
 " ARTHUR I. DRUMMOND,
 " JOHN REGINALD REDPATH,
 " GRACE BURTON WOOD,
 " AGNES MARY WOOD,
 " MARGARET ELLEN ROUX,
 " MARY BACON BRAILSFORD,
 " JAMES D. DOUGALL,
 " LILY DOUGALL,
 " JANET ALICE DOUGALL,
 " HUGH COCHRANE,
 " DONALD COCHRANE,
 " EDWARD THORNTON TAYLOR,
 " ARCHIBALD D. TAYLOR,
 " HELEN IDA TAYLOR,
 " ALICE JANE BRAILSFORD,
 " ALFRED WALTON BRAILSFORD,
 " ROBERT R. SIMPSON,
 " JAMES D. MITCHELL,
 " ROBERT MAXWELL DENNISTOUN,
 " ANNIE JEAN REDPATH,
 " ROBERT WHITELOW,
 " ALICE MAUD REDPATH,
 " ALICE ETHEL REDPATH,
 " LUCY MABEL REDPATH,
 " HELEN REDPATH,
 " W. DE M. MARLER, N. P.

By their attorneys
 C. J. FLEET
 J. R. DOUGALL
 Preble MacINTOCH

A true copy of the original hereof remaining of record in my office,

W. DE M. MARLER, N. P.

SCHEDULE B

BEFORE M^{RE} WILLIAM DE M. MARLER, the undersigned notary for the Province of Quebec, practising at the city of Montreal,

APPEARED :

1. FRANCIS ROBERT REDPATH, of the city of Montreal, esquire.
2. DAME AUGUSTA ELEANOR REDPATH, wife separate as to property by their marriage contract of CHARLES J. FLEET, of the city of Montreal, advocate and King's Counsel, duly authorized by her said husband for the purposes hereof.
3. DAME EMILY JANE BONAR REDPATH, wife separate as to property by their marriage contract of HENRY T. BOVEY, of the city of Montreal, Dean of the Faculty of Applied Science of McGill University, duly authorized by her said husband for the purposes hereof.
4. HAROLD MILLS REDPATH, of the city of Montreal, esquire.
5. DAME AMY REDPATH, wife separate as to property by their marriage contract of THOMAS GEORGE RODDICK, of the city of Montreal, Dean of the Faculty of Medicine of McGill University, duly authorized by her said husband for the purposes hereof.
6. JOHN REGINALD REDPATH, of Pincher Creek Ranchman.

Herein acting by the said Charles James Fleet, and John Redpath Dougall, newspaper publisher and proprietor, and Preble Macintosh, chartered accountant, both of the city of Montreal, his special attorneys under a power of attorney executed before witnesses, at Pincher Creek on the twenty-second of July last (1907), authenticated by the certificate of Donald Thomson, a notary public for the Province of Alberta, and deposited in the office of the undersigned notary on the date hereof.

7. The said HAROLD MILLS REDPATH, and CHARLES JAMES FLEET, who with HENRY WARREN JONES, of No. 39, Lime Street, London, are the trustees appointed under the last will and testament and codicils thereto of the late Grace Wood, in her lifetime, of Chislehurst, in the

county of Kent, in England, widow and universal legatee of the late Peter Redpath, in his lifetime of the same place, and a majority of the trustees, and act herein with the approval (as testified by their signatures hereto) of her residuary legatees, viz :—

- a. The said Harold Mills Redpath.
- b. The said Dame Amy Redpath *et vir*.
- c. The said John Reginald Redpath.
- d. Miss Grace Burton Wood and Miss Agnes Mary Wood both spinsters of the full age of twenty-one years, of Manor House, Chislehurst, aforesaid.

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as their attorneys duly constituted for the purposes hereof under a power of attorney executed by them at Barnard Castle, county of Durham, in England, before witnesses, and authenticated by the affidavit of one of the witnesses before the mayor of Darlington, and deposited in the office of the undersigned notary on the date hereof.

- e. DAME MARGARET ELLEN ROUX, wife of Theophile Roux, of Paris, in France, minister, and Miss Mary Bacon Brailsford of Oakfield Cottage, Bowdon, in the county of Chester, in England :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as their attorneys duly constituted for the purposes hereof under a power of attorney executed by the said Margaret Ellen Roux, at Bradford, in England, before witnesses on the thirteenth of August last (1907), authenticated by the affidavit of one of the witnesses before the mayor of Bradford, and by the said Mary Bacon Brailsford, at Hoylake, on the fifteenth of August last 1907, before witnesses, and authenticated by the affidavit of one of the witnesses before the Lord Mayor of Liverpool ; which power of attorney and the authorization of the said Theophile Roux were deposited in the office of the undersigned notary on the date hereof.

- f. DAME GERTRUDE ST. FRANCIS TAYLOR, wife of Emile Theodore Lambert, of the town of Westmount, professor, authorized by her husband for the purposes hereof.
8. THE HONOURABLE SIR GEORGE ALEXANDER DRUMMOND, of the city of Montreal, Knight of the Order of St. Michael and St. George, and one of the Senators of the Dominion of Canada, acting herein as universal legatee, in trust, of his deceased wife the late Dame Helen Redpath, under her will received by W. A. Phillips and his colleague,

notaries, on the tenth of December, eighteen hundred and seventy-nine, and with the approval (as testified by their signatures hereto) of the only surviving issue of their marriage, namely : Huntly Redpath Drummond and Arthur Lennox Drummond, both of the city of Montreal, esquires.

9. The said JOHN REDPATH DOUGALL.
10. JAMES D. DOUGALL, of Botanic Place, Flushing, in the state of New York, one of the United States of America.

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, as his attorneys duly constituted for the purposes hereof under a power of attorney executed by him and others before witnesses at New York on the thirteenth day of September last (1907), authenticated by the certificate of Frederick W. Fielding, a notary public there, and deposited in the office of the undersigned notary on the date hereof.
11. MISS SUSAN GRACE DOUGALL, of the city of Montreal, unmarried woman of the full age of twenty-one years.
12. MISS LILY DOUGALL, of East Undercliff, Exmouth, in the county of Devon, in England, spinster of the full age of twenty-one years.

Herein acting by the said Charles James Fleet, John Redpath Dougall, and Preble Macintosh, her attorneys duly constituted for the purposes hereof under a power of attorney from her executed at Cambridge, in England, on the sixteenth of August last (1907), before a witness and authenticated as to her signature by the affidavit of the witness before A. E. King, a notary public, at Cambridge aforesaid, and deposited with the undersigned notary on the date hereof.
13. MISS ELIZABETH MARGARET COCHRANE, MISS EDITH MARY COCHRANE, and MISS GRACE WINNIFRED COCHRANE, all of the city of Montreal, unmarried women of the full age of twenty-one years : the said Edith Mary Cochrane also herein acting as the transferee of the rights, in the estate of the late John Redpath, in his lifetime of the city of Montreal, esquire, of her brother, Arthur Dougall Cochrane, of Paolo Alto, in the State of California, one of the United States of America, under a transfer executed before a witness on the twenty-fourth day of January last, and deposited with the undersigned notary on the date hereof.

14. FREDERICK EUGENE DOUGALL, of the city of Montreal, journalist, MISS JANET ALICE DOUGALL, of Botanic Place, Flushing aforesaid, spinster, of the full age of twenty-one years, and the said Lily Dougall, all herein acting in their quality of executors of the last will and testament of the late Miss Janet Elizabeth Dougall, in her lifetime of the city of Montreal, unmarried woman :

The said Janet Alice Dougall, acting herein by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, her attorneys duly constituted for the purposes hereof under a power of attorney from her and others executed before witnesses at New York on the thirteenth of September last (1907), authenticated by the certificate of Frederick W. Fielding, a notary there, and deposited in the office of the undersigned notary on the date hereof.

And the said Lily Dougall acting herein by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, her attorneys duly constituted for the purposes hereof under the power of attorney hereinbefore mentioned.

The said executors of the late MISS JANET ELIZABETH DOUGALL acting herein with the approval (as testified by their signatures hereto) of the beneficiaries under her will, namely : the said Elizabeth Margaret Cochrane, Edith Mary Cochrane, Grace Winnifred Cochrane, Lily Dougall, Janet Alice Dougall and Frederick Eugene Dougall.

15. HUGH COCHRANE, of Hampstead, in England, journalist.

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed by him at Hampstead aforesaid, on the twentieth day of August last, (1907), before a witness, authenticated by the affidavit of the witness before William Oliver, a notary public, at London aforesaid, and deposited in the office of the undersigned notary on the date hereof.

16. DONALD COCHRANE, of Mission, in the Province of British Columbia, student :

Herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed by him at Vancouver on the

twenty-sixth day of September last (1907), before witnesses, duly authenticated by the affidavit of one of the witnesses before H. G. Ross, a notary public, at Vancouver, and deposited in the office of the undersigned notary on the date hereof.

17. EDWARD THORNTON TAYLOR, of Kingston, in Ontario, Colonel commanding The Royal Military School, and GEORGE HYDE, of the city of Montreal, accountant :

Herein acting in their quality of executors of the will of the late Dame Mary Taylor, in her lifetime of the city of Montreal, widow of the late Thomas M. Taylor; the said Edward Thornton Taylor is one of the executors named in the said will : the said George Hyde was appointed an executor by a judgment rendered in the Superior Court in the district of Montreal, on the thirty-first day of March, eighteen hundred and ninety-eight, in place of Archibald Dunbar Taylor the other executor named in the said will who resigned by deed before the undersigned notary on the twenty-first of March, eighteen hundred and ninety-eight.

The said Edward Thornton Taylor acts herein by the said Charles James Fleet, John Redpath Dougall, and Preble Macintosh, his attorneys duly constituted for the purposes hereof under a power of attorney executed at Kingston aforesaid, on the fifth of June last (1907), before a witness, and authenticated by the certificate of J. B. Walkem, a notary public for the Province of Ontario, and deposited in the office of the undersigned notary on the date hereof.

The said executors act herein with the approval (as testified by their signatures hereto) of the residuary legatees of the said late Dame Mary Taylor, namely :

- a. ARCHIBALD DUNBAR TAYLOR, barrister-at-law, of Vancouver, in the Province of British Columbia.
- b. MISS HELEN IDA TAYLOR, unmarried woman of the full age of twenty-one years, of the same place :

Both herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, their attorneys duly constituted for the purposes hereof under a power of attorney executed before witnesses at Vancouver aforesaid, on the eighth of June last (1907), and authenticated by the certificate of A. W. V. Innes, a notary public for the Province of British Columbia, and deposited in the office of the undersigned notary on the date hereof.

- c. The said Edward Thornton Taylor, acting by his attorneys, the said Charles James Fleet, John Redpath Dougall and Preble Macintosh under the power of attorney above mentioned.
- d. DAME ALICE JANE TAYLOR, wife of Alfred Walton Brailsford, of Bradford, in England, merchant, and her said husband in his own name and to authorize his said wife:
Both herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, their duly constituted attorneys under a power of attorney executed at Bradford, in England, on the fifteenth of August last (1907), before a witness, authenticated by the affidavit of the witness before H. O. Wade, a notary public there, and deposited in the office of the undersigned notary on the date hereof.
- e. The said DAME GERTRUDE ST. FRANCIS TAYLOR, authorized by her said husband.
- f. DAME MARGARET BEATRICE TAYLOR, wife of Arthur Wells Robinson, of the town of Westmount, civil engineer, duly authorized by her said husband for the purposes hereof, and the said Arthur Wells Robinson to authorize his said wife.
18. The said JOHN REDPATH DOUGALL and ROBERT RUSSELL SIMPSON, of Edinburgh, in Scotland, writer to the Signet, acting herein in their quality of executors of the will and trustees of the estate of the late Miss Jane Margaret Redpath, in her lifetime formerly of the city of Montreal, but at the time of her death of Edinburgh, aforesaid.
The said Robert Russell Simpson acts herein by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, his attorneys duly constituted for the purposes hereof, under a power of attorney, executed at Edinburgh, in Scotland, on the second of September last (1907), before a witness and authenticated by the affidavit of the witness before a notary public at Edinburgh aforesaid, and deposited in the office of the undersigned notary on the date hereof.
The said trustees and executors act herein with the approval (as testified by their signatures hereto) of the residuary legatees, the said Susan Grace Dougall and Lily Dougall, and of the executors and beneficiaries under the will of the late Miss Janet Elizabeth Dougall.
19. JAMES DENNISTOUN MITCHELL, of Carwood, Biggar, Scotland, and ROBERT MAXWELL DENNISTOUN, of Winnipeg, in Manitoba, barrister-at-law, in their quality of executors

of the will and trustees of the estate of the late Dame Mary Pringle Redpath, in her lifetime of Edinburgh aforesaid, widow of the late Alexander Dennistoun.

The said James Dennistoun Mitchell and Robert Maxwell Dennistoun acting herein by their attorneys the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, duly constituted for the purposes hereof under powers of attorney : the one executed by the said James Dennistoun Mitchell at Glasgow, in Scotland, on the twenty-first of August last (1907), before a witness, and authenticated by the affidavit of the witness before a justice of the peace at Lanark ; and by the said Robert Maxwell Dennistoun before a witness at Winnipeg on the thirteenth of July last (1907), authenticated by the affidavit of the witness before a notary public there, which powers of attorney were deposited in the office of the undersigned notary on the date hereof.

The said executors and trustees act herein with the approval (as testified by their signatures hereto) of her residuary legatees, the above named : Francis Robert Redpath, Eleanor Augusta Redpath and Emily Jane Bonar Redpath.

20. DAME ANNIE JEAN SAVAGE, of St. Leonards-on-Sea, England, widow of the late Reverend George Drummond Redpath, in his lifetime of Harbledown, in England, and Robert Whitelaw, of Rugby, in England, gentleman ; both herein acting in their quality of executors of the will and trustees of the estate of the said late Reverend George Drummond Redpath, and acting herein with the approval of all the children of the said late Reverend George Drummond Redpath, namely : Miss Alice Maud Redpath and Miss Alice Ethel Redpath, both of Eastbourne, in the county of Sussex, in England, spinsters of the full age of twenty-one years, and Miss Lucy Mabel Redpath and Miss Helen Redpath, both of St. Leonards-on-Sea aforesaid, spinsters of the full age of twenty-one years.

All herein acting by the said Charles James Fleet, John Redpath Dougall and Preble Macintosh, their attorneys duly constituted for the purposes hereof under three powers of attorney ; one executed by the said Annie Jean Savage at Malvern, before a witness on the twenty-first of August last (1907), proved by the affidavit of the witness before William Oliver, a notary public at London, and by the said Robert Whitelaw at Grantown, before a witness, and authenticated by the affidavit of the witness before John Grant, a notary

public and justice of the peace ; a second from Lucy Mabel Redpath and Helen Redpath, executed at Malvern, in England, on the twenty-first of August last (1907), before a witness and authenticated by the affidavit of the witness before William Oliver, a notary public at London aforesaid ; and the third from Alice Maud Redpath and Alice Ethel Redpath, executed before a witness at Clandon on the twenty-seventh of August last (1907), and authenticated by the affidavit of the witness before William Oliver, a notary public at London aforesaid ; all of which powers of attorney were deposited in the office of the undersigned notary on the date hereof.

21. The said FRANCIS ROBERT REDPATH, acting herein personally in his quality of executor of the last will and testament of the late William Wood Redpath, in his lifetime of the city of Montreal, notarial student, acting herein with the consent and approval of the said Augusta Eleanor Redpath, Emily Jane Bonar Redpath and the representatives of the late Margaret Pringle Redpath.

Who with Miss Margaret Antonia Cochrane, otherwise called Greta Cochrane, minor daughter of the late Dame Margaret Dougall, are all the beneficiaries under the will of the late John Redpath, hereinafter mentioned, and act herein as well for themselves as for and on behalf of the said Miss Greta Cochrane whose ratification they jointly and severally undertake on her attaining the age of majority, hereinafter called " the beneficiaries,"

Of the first part,

AND

FRANCIS ROBERT REDPATH and HUNTLY REDPATH DRUMMOND above named, and GEORGE HYDE, of the city of Montreal, chartered accountant,

Of the second part.

Who declared unto the said notary :

That whereas by the last will and testament of the late John Redpath, in his lifetime of the city of Montreal, esquire, which was proved in the Superior Court in the district of Montreal on the thirteenth of April, eighteen hundred and sixty-nine, the testator appointed as his executors, his wife, the late Dame Jane Drummond, and his sons Peter Redpath and Frank Robert Redpath, and continued their powers and authority beyond the year and day limited by law, that is to say until the death of the said Dame Jane Drummond and until his youngest

surviving child should have attained the age of majority whichever event should last happen;

And whereas the said Dame Jane Drummond died on the thirtieth day of January last, and all the testator's children had then attained the age of majority;

And whereas the powers and authorities of the said executors have therefore ceased, and the parties of the first part, being all the beneficiaries entitled under the said will and being desirous of providing for the payment of the legacies bequeathed by the said will, and the division of the estate as far as is practicable, and the disposal of what cannot be readily divided, and, the administration of the estate until the final division thereof, have by deed of conveyance executed before the undersigned notary and bearing even date herewith, conveyed unto the said parties hereto of the second part and the survivors and survivor of them the moveable and immoveable property described in the said deed.

NOW, THESE PRESENTS AND I, the said notary, witness :

1. That the said deed of conveyance has been made by the parties hereto of the first part unto the parties hereto of the second part and the survivors and survivor of them without any consideration having been paid for such conveyance by the parties hereto of the second part other than the considerations, undertakings and agreements and the purposes herein set forth, namely :

2. That the parties of the second part, the survivors and survivor of them and any successor who may be named in the manner hereinafter provided to fill any vacancy in their number (all of whom shall for the sake of brevity be hereinafter called " the trustees " and of whom there shall be always three) shall and they hereby undertake bind and oblige themselves so to proceed :

(a) Forthwith to determine and establish as on the thirtieth day of January last the accounts towards the said estate of the various beneficiaries and the amounts either to be returned or accounted for by them to the estate or to be paid by the estate to them respectively ; all of which amounts shall bear interest at the rate of five per centum per annum from the said thirtieth day of January last, and in making up the said accounts as regards advances made to any of the children of the said late John Redpath under clause ninth of his will and payments made to them during the lifetime of the said late Dame Jane Drummond, simple interest shall be charged thereon as provided by the said will from the time when such advances or payments were made up to the said thirtieth day of January last.

(b) To pay to those of the beneficiaries who may be thus found to be creditors of the estate for legacies payable to them or otherwise, the amounts payable to them respectively either in cash or in property of the estate at such valuation as may be agreed upon between the trustees and the beneficiary, commencing with the payments to the children of the second family under clause fourth, section one of the will.

(c) To divide from time to time what may remain of the estate after these payments have been made, as far as may be practicable, and for this purpose to employ valuers and experts for the purpose of assisting them in laying out the real estate into streets and lanes and of dividing it into lots and of valuing the various assets to be divided to form the shares one for each of the twelve children of the said late John Redpath and to attribute these shares to the beneficiaries by lot. But nothing herein contained shall be construed as requiring the trustees to subdivide the share of any deceased son or daughter of the late John Redpath among the representatives of such deceased son or daughter.

Before the shares are allotted, the scheme of division shall remain open for inspection by the beneficiaries present in the city of Montreal or represented there, for such time as the trustees may deem expedient.

The trustees will have the power to exclude from such division any part of the real estate which they may deem not expedient to divide up, such as the piece of land north of Pine Avenue or the house called Terrace Bank with sufficient land to serve as an appurtenance thereto.

3. That for the above purposes and subject thereto the trustees will have the power :

(a) To administer and manage the property so conveyed to the parties of the second part ; to receive all rents, dividends and revenues, accrued and to accrue and all capital sums whatsoever ; lease any part of the said property for such term, not exceeding three years, at such rental and on such other conditions as they may think proper ; pay all taxes and other charges ; make repairs and improvements ; and enter into contracts for the execution of the same.

(b) To convey and make over to any of the beneficiaries by good and sufficient deeds and instruments any part of the property, moveable or immoveable, of the estate conveyed to the trustees as aforesaid, in payment of the amounts due by the said estate to such beneficiaries respectively or payable or coming to them in virtue of any division which the trustees may have made among the beneficiaries.

(c) To cede streets and lanes to the city of Montreal, with or without consideration ; to impose upon the Terrace Bank

property or any part of it or the property above Pine Avenue, such servitudes as the trustees may deem expedient for the protection of any property of the estate as to size of lots, class, destination, character and situation of buildings, distance from the street line, etc., and to make such servitudes either perpetual in their duration or to become extinguished by the lapse of a certain period.

(d) To sell for such price or prices, and on such terms, conditions and delays as they may think proper, any property, moveable or immoveable, which in their opinion, cannot be readily divided among the beneficiaries, or which it may be inexpedient to put into the share of any beneficiary: to receive the price. This power of sale though expected to be exercised only after the divisible portion of the estate has been divided, may be exercised before division should the trustees think best.

4. The trustees will have the power to decide, with or without taking legal advice, all questions and matters of doubt which may arise at any time in the course of their operations or which may affect the share in the capital or in the income of any of the parties hereto, the amounts thereof, of their indebtedness to the said estate, or as to any other matter or thing whatsoever in connection with the said estate, or arising out of the said will or the interpretation of any of the clauses thereof, and all questions of account, subject, however, to the particular directions herein contained; and their decisions upon each, any or all of such matters of doubt shall be final and conclusive and binding on all the parties hereto, who undertake to abide by such decision without having any right to appeal to the courts.

5. In all matters the decision of a majority of the trustees shall prevail: provided always that in any transaction between the trustees and a beneficiary, such beneficiary or the husband of such beneficiary, if one of the trustees, shall not count as one of the majority; and each of the trustees undertakes and obliges himself to sign and execute such deeds and instruments as may be necessary to carry out the decisions of a majority of the trustees in the same manner as if he had concurred therein, but his dissent from the decision may, and shall, if required by him, be noted in any minute book that may be kept wherein the proceedings of the trustees may be entered.

6. A trustee may resign at any convenient time and in the event of the death, resignation or incapacity to act of any of the trustees, his place shall be supplied by a person chosen at a meeting of the beneficiaries called by a judge of the Superior Court in the district of Montreal at the instance of any party interested and after notice to the beneficiaries or their representatives by prepaid registered letter addressed to each of the parties hereto of the first part at his or her place of residence

above mentioned (or to such place or places as they or their legal representatives may in writing indicate to the trustees) and mailed at least thirty days before the time fixed by such judge for such meeting.

It is also agreed that beneficiaries holding at least two-thirds in interest of the estate of the said late John Redpath may at any time fill a vacancy in the trust and remove a trustee or appoint a new one in his place by an act in writing, and may at any time in like manner set aside this deed; and in the event of this deed being set aside, the trustees shall re-convey the assets of the estate to the beneficiaries, and their powers shall be limited in the meantime to the completion of acts already begun and to conservatory measures.

And it is expressly agreed by each of the parties hereto—and each of the parties of the first part doth hereby covenant and agree with all the other parties hereto and with the trustees, and doth bind and oblige himself or herself, his or her heirs and legal representatives—that for the purposes of this agreement and whenever any notice is required to be given to or any power is to be exercised by any of the beneficiaries, whether parties to this agreement or their representatives, such notice may be given to or power exercised by the tutor, curator, executor or other legal representative if any beneficiary is unable to act personally.

7. Whenever a successor shall be appointed in the manner provided by the preceding clause, it shall be the duty of the other trustees, and they and each of them shall be bound forthwith to execute in favour of such successor such conveyance as may be deemed necessary to convey to such successor and the other trustees hereto jointly, the survivors and survivor of them, whatever property may then remain vested in them under the said conveyance of even date herewith to be held for the purposes and subject to the powers, rights, duties and discretion herein vested in or to be exercised by the herein named parties of the second part and the resigning party of the second part, and the heirs or legal representatives of such one of the parties of the second part as may be deceased shall be bound if so required to join in such conveyance and to execute such instruments as may be deemed necessary to convey his or their interest in any property held by such resigning or deceased party of the second part under such conveyance of even date herewith.

If a trust company shall be appointed as trustee or as attorney of a trustee it may act by any officer selected by its board of directors or the executive committee thereof.

8. Should any of the parties of the second part be a beneficiary or the husband of a beneficiary he shall be entitled to a remuneration of his services at the rate of one thousand dollars per annum ; any trustee not a beneficiary shall be entitled to

such remuneration payable by way of salary, commission or otherwise, as the others of the parties of the second part may determine.

9. The trustees will have the right to retain and to keep undivided moneys or other securities of the estate of such character and to such extent as they may deem necessary to provide for the payment of taxes and other expenses of administration ; to provide for annuities or for any other purpose required in order to carry out the directions of the will or to meet contingencies ; and they are authorized to purchase from an insurance company or from any other person or persons an annuity to take the place of any annuity now payable under said will ; and they will have the power to invest moneys in such securities as they may deem best without being bound to invest in the securities mentioned in article 981^o of the Civil Code and without responsibility for any loss which may happen in consequence.

10. The trustees are expected to use their best judgment, care and experience in the settlement of any questions which may come before them and to decide such questions without favour or partiality and they shall conform to all directions herein given, but as regards the actual administration they are expected only to exercise a general supervision, save and except such further duties as any of them may agree to undertake ; therefore they will have the power to appoint such agents or attorneys, either general or special, as they may deem proper, and they shall not be responsible for the acts or defaults of the person or persons whom they may name ; provided the persons named be of good repute.

11. The trustees shall be allowed credit for all expenses and disbursements which they may be put to in the administration.

12. The parties of the first part undertake, bind and oblige themselves to indemnify and hold harmless the trustees and each of them against any obligations which they or any of them may incur by reason or in consequence of the exercise of the powers herein contained or incidental thereto.

13. The parties of the first part authorize the trustees to ratify and confirm all acts done by the said Francis Robert Redpath alone since the death of the late Dame Jane Drummond and to discharge the executors of the late John Redpath.

WHEREOF ACTE of record in the office of the said Mtre. Marler under No. twenty-seven thousand nine hundred and two.

And after due reading hereof the parties signed in the presence of the said notary on various dates.

And closed by the signature of the said notary on the fifth day of October, nineteen hundred and seven.

(Signed) F. R. REDPATH,
 “ H. R. DRUMMOND,
 “ G. ST. F. LAMBERT,
 “ M. B. ROBINSON,
 “ E. T. LAMBERT,
 “ A. W. ROBINSON,
 “ HAROLD M. REDPATH,
 “ J. R. DOUGALL,
 “ S. G. DOUGALL,
 “ ELIZABETH M. COCHRANE,
 “ EDITH COCHRANE,
 “ G. WINNIFRED COCHRANE,
 “ E. J. B. BOVEY,
 “ HENRY T. BOVEY,
 “ A. ELEANOR FLEET,
 “ C. J. FLEET,
 “ GEO. HYDE,
 “ AMY REDPATH RODDICK,
 “ T. G. RODDICK,
 “ GEO. A. DRUMMOND,
 “ FREDERICK E. DOUGALL,
 “ ARTHUR L. DRUMMOND.
 “ JOHN REGINALD REDPATH,
 “ GRACE BURTON WOOD,
 “ AGNES MARY WOOD,
 “ MARGARET ELLEN ROUX,
 “ MARY BACON BRAILSFORD,
 “ JAMES D. DOUGALL,
 “ LILY DOUGALL,
 “ JANET ALICE DOUGALL,
 “ HUGH COCHRANE,
 “ DONALD COCHRANE,
 “ EDWARD T. TAYLOR,
 “ ARCHIBALD D. TAYLOR,
 “ HELEN IDA TAYLOR,
 “ ALICE JANE BRAILSFORD,
 “ ALFRED W. BRAILSFORD,
 “ ROBERT R. SIMPSON,
 “ JAMES D. MITCHELL,
 “ ROBERT MAX. DENNISTOUN,
 “ ANNIE JEAN REDPATH,
 “ ROBERT WHITELAW,
 “ ALICE MAUD REDPATH,
 “ ALICE ETHEL REDPATH,
 “ LUCY MABEL REDPATH,
 “ HELEN REDPATH,
 “ W. DE M. MARLER, N. P.

By their Attorneys:

C. J. FLEET,
 J. R. DOUGALL,
 P. MACINTOSH.

A true copy of the original hereof remaining of record in my office.

W. DE M. MARLER, N. P.

C H A P . 167

An Act respecting the estate Anselme Labrecque

[Assented to 14th April, 1908]

WHEREAS, Joseph Edmond Labrecque and Joseph Anselme Labrecque, of the city of Montreal, merchants, in their quality of testamentary executors and universal legatees of the late Anselme Labrecque, in his lifetime of the city of Montreal, gentleman, in virtue of his last will bearing date the 16th May 1904, received at the city of Montreal, before P. C. Lacasse and colleague notaries, have by their petition presented ;

That the late Anselme Labrecque, died at Montreal, on the 3rd December 1905 and that by his above mentioned will he appointed his two sons above named, his executors and universal legatees ;

That by his said will he authorized his sons, universal legatees, to sell his immoveables or vacant lots which he might leave at his death, but that his other immoveables should not be sold, exchanged or otherwise alienated until his youngest son should have attained the age of 40 years.

That nevertheless the said Anselme Labrecque authorized his universal legatees by his said will to hypothecate his immoveables or some of them for such amount as they might consider advisable for the purpose of obtaining means to rebuild such buildings as might be destroyed or damaged by fire, in the place and stead of those destroyed in whole or in part, and at any time after his death, adding by his said will, that outside of the above prohibition, he wished in all respects that his universal legatees be absolute owners and have the right to make all other acts and even to will as they thought best ;

That among the immoveables then left by his will are an immovable known as subdivision number one of cadastral number four hundred and thirty-four for St. Louis Ward, of the city of Montreal, the said immovable being numbers two hundred and eighty-five and two hundred and eighty-seven of Saint Catherine street, and another immovable known as sub-divisions twenty-seven and twenty-eight of number eleven hundred and ninety-three of the official cadastre of