

CHAP. 108

An Act to declare final the sale of certain immoveables of
the estate of the late Jean-Baptiste Bruyère

[Assented to 20th May, 1905]

WHEREAS Dame Marie Emilie Deguise, widow of the late Charles Théodore Viau dit Saint-Mars, Jean-Baptiste Deguise, Joseph Viau, Louis Deguise and Joseph Louis Coutlée, all in their capacity of testamentary executors, administrators and fiduciary legatees under the will of the said Charles Théodore Viau *dit* Saint-Mars, have by petition set forth : Preamble.

That, by deed passed at Montreal, before Mtre Onésime Marin, notary, on the 12th July, 1886, Robert Félix Antoine Bruyère and Jean Ernest Alexandre Bruyère, domiciled in France, and therein represented by Guillaume Napoléon Moncel, their attorney, sold to Charles Théodore Viau *dit* Saint-Mars, for the price of sixty thousand dollars, the immoveables described in the schedule hereunto annexed ; that the vendors had acquired such immoveables at sales under authority of justice in 1879 and 1880 to protect a loan of thirty-nine thousand dollars which they had made on the 11th May, 1875, for which the said immoveables had been mortgaged by the borrowers, and which the latter had been unable to repay ; that said sum of thirty-nine thousand dollars belonged to the substitution created by the late Jean-Baptiste Bruyère, who, by his will, made at Montreal on the 21st December, 1850, before Mtre Jos. Belle, notary, had bequeathed his property to his children subject to the substitution in favor of their children, and it formed part of the capital found in the estate ; that the testator died on the 26th February, 1859, leaving no other children but the said Robert Félix Antoine and Jean Ernest Alexandre ; that, at the time of the said sale of 12th July, 1886, the said vendors were the only institutes and their children the only substitutes in the said substitution ; that the vendors declared in the deed of sale that they were authorized to sell by the act of this Province 33 Victoria, chapter 19 ; that the curator to the substitution, the Honorable Louis François Rodrigue Masson, then Lieutenant-Governor of Quebec, appeared in the said deed and approved of the same ; that the purchaser paid the price of sale partly in March, 1888, and the remainder in May, 1892, and fulfilled all his obligations ; that the price received was added to the liquidated capital of the estate and was invested in mortgages up to the opening of the substitution ; that Mr. Viau and after him

his representatives conceded to a great many purchasers a considerable portion of the said immoveables, which constitute a ward, known as Viauville, in the town of Maisonneuve; that doubts have recently arisen as to the validity of the title of the purchasers as regards the substitutes in the substitution; that Robert Félix Antoine Bruyère died in July, 1902, and that his children, being of the full age of majority and having a perfect knowledge of the facts above set forth, received their share of the price of sale; that Jean Ernest Alexandre Bruyère is still alive, and his children, to the number of four, are all of the full age of majority, and they, with their father, signed a written declaration that they have taken cognizance of the will of the late Jean Baptiste Bruyère, of the said deed of sale of the 12th July, 1886, of the legal opinion expressing doubt as regards the same and of other documents connected therewith, that they wish such sale to be considered as a final and definite disposal of the immoveables sold and that it should be fully carried out, that they add that, to remove all doubts, as to the rights of the purchasers, they are not opposed to the passing of an act, enacting that such alienation is final and definite;

Whereas the petitioners, in their capacity aforesaid, pray that an act be passed to that effect, and they 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 sale
ratified.

1. The sale to Charles Théodore Viau *dit* Saint Mars by Robert Félix Antoine Bruyère and Jean Ernest Alexandre Bruyère, represented by Guillaume Napoléon Moncel, their attorney, with the concurrence of the Honorable Louis François Rodrigue Masson, in his quality of curator to the substitution hereinafter mentioned, according to a deed passed at Montreal, before Mtre. Onésime Marin, notary, the 12th July, 1886, of the immoveables described in the schedule hereunto annexed, is declared to be and to have been, from the time it was passed, a definite and final alienation of the said immoveables, both as regards all the institutes and the substitutes in the substitution created by the will of the late Jean Baptiste Bruyère, made at Montreal on the 21st December, 1850, before Mtre. Jos. Belle, notary.

Application
of price sale.

2. The price of sale forms part of the property of the substitution, subject to the rights of the substitutes, and the payment of the same by the purchasers is declared valid.

Coming into
force.

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

SCHEDULE .

1. A lot of land situate in the town of Maisonneuve, (heretofore forming part of the former village of Hochelaga, in the county of Hochelaga, in the said Province of Quebec) consisting of the subdivided part of the lot number one (1) of the official plan and book of reference of the village of Hochelaga aforesaid, the said part being composed of lots bearing the number one (1) to number six hundred and seventy-nine (679) inclusively, of the official subdivision of the said lot number one, and further, of lots 19*a*, 39*a*, 59*a*, 77*a*, 95*a*, 113*a*, 133*a*, 147*a*, 176*a*, 197*a*, 239*a*, 297*a*, 328*a*, 364*a*, 400*a*, 436*a*, 472*a*, 512*a*, 552*a*, 590*a*, 614*a*, 630*a* and 659*a* of the said official subdivision of the said lot number one.

2. A lot of land situate in the said town of Maisonneuve, being the subdivided portion of lot number one *a* (No. 1*a*) of the official plan and book of reference of the said village of Hochelaga, consisting of lots bearing the numbers one to number seven hundred and ninety-eight (1 to 798) inclusively, of the official subdivision of the said lot number one (1*a*) and lots numbers 12*a*, 12*b*, 50*a*, 90*a*, 130*a*, 166*a*, 202*a*, 238*a*, 267*a*, 302*a*, 360*a*, 404*a*, 449*a*, 507*a*, 548*a*, 573*a*, 603*a*, 645*a*, 681*a*, 721*a*, 761*a* and 798*a* of the official subdivision of the said lot number 1*a*.

A lot of land situate in the said town of Maisonneuve, being a subdivided portion of lot number two (No. 2) of the official plan and book of reference of the said village of Hochelaga, which is composed of lots numbers one to four hundred and eighty-nine (1 to 489) inclusively, of the official subdivision of lot number two, and, further, the lots numbers 18*a*, 38*a*, 58*a*, 76*a*, 87*a*, 87*b*, 134*a*, 192*a*, 237*a*, 258*a*, 294*a*, 330*a*, 366*a*, 406*a*, 446*a*, 484*a*, 484*b*, and 486*a* of the said official subdivision of lot number two (No. 2.)

4. A lot of land situate in the said town of Maisonneuve, being the non-subdivided portion of lots numbers 1*a*, and 2 of the official plan and book of reference of the said village of Hochelaga, which non-subdivided part is bounded in front, to the north-west by the public highway, in rear, to the south-east by the river St. Lawrence, on the north-east side partly by lot number one, and partly by lot number three of the official plan and book of reference of Longue Pointe, and on the south-west side by lot number three of the said official plan and book of reference of the said village of Hochelaga, with all the buildings thereon erected.
