

1. The testamentary executors of the will of the late Arthur Caron, in his life-time, burgess, of the parish of Longue Pointe, in the district of Montreal, are hereby authorized and obliged to hand over to the said Anthony Emond the sum of three thousand dollars, together with the property mentioned in the ninth clause of the will of the said late Arthur Caron, made before Mtre Victor Morin and colleague, notaries, under the number 5230 of the minutes of the repertory of the said notary, as if he had undergone his examinations for medicine.

Executors authorized to hand over certain legacy and real estate to Anthony Emond.

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

Coming into force.

CH A P. 110

An Act to ratify the sales and adjudications between the heirs and representatives of Joseph Robereau-Duplessis and his wife Marie Catherine Cardinal and Téléphore Turcot and Louis Jean Baptiste Martin, and to validate the conveyance by Téléphore Turcot to Séraphin Turcot, and the sale by Louis Jean Baptiste Martin and others to *Le Crédit-Foncier Franco-Canadien*.

[Assented to 20th May, 1905]

WHEREAS Louis Jean Baptiste Martin, burgess ; Dame Léa Cardinal, widow of Joseph Urbain Turcot, both in her own personal name and as usufructuary legatee and in her capacity of tutrix, duly appointed in law to her two minor children, Urbain and Valentine Turcot, issue of her marriage with the said late Joseph Urbain Turcot ; Fleury Turcot, Godfroy Turcot, Gustave Turcot, Raoul Turcot, Alfred Turcot, Henri Turcot, gentlemen, all of the city and district of Montreal, and Donaldine Turcot, wife of Joseph Wilfred Lavergne, physician, both of Sault-au-Récollet, have, by their petition, represented :

Preamble.

That, by his will, dated the 6th of August, 1834, Joseph Robereau-Duplessis, of the city of Montreal, bequeathed the usufruct of his immoveables, among which was that now bearing the number 146 of Centre ward of the city of Montreal, to his wife Marie Catherine Cardinal, and after the latter's death, to his children and descendants, until the death of the last of his children and until the youngest of his grandchildren should have attained the age of twenty-

one years, and afterwards the ownership of the same immoveables to the grandchildren ;

That Dame Marie Catherine Cardinal, wife of the said Joseph Robereau-Duplessis, by her will, dated the 15th of May, 1835, bequeathed her rights in and to a portion of the immoveable now bearing the number 146 of Centre ward of the city of Montreal in usufruct to her children and grandchildren and in full ownership to her great-grandchildren ;

That Joseph Robereau-Duplessis and Marie Catherine Cardinal died in 1834 and 1844, respectively ;

That the heirs and representatives, both those of the age of majority and those who are incapable, of the said Joseph Robereau-Duplessis and Marie Catherine Cardinal, asked and obtained, after procuring the advice of a family council, the authorization in law to sell by licitation to the highest and last bidder their undivided rights in and their ownership of the immoveable now bearing the number 146 of Centre ward of the city of Montreal, but then described as being an immoveable situate and being in the said city of Montreal, measuring eighty-four feet, eight inches, in front on Saint Lambert street, forty-five feet, nine inches, in front on Saint James Street, forty-four feet, six inches, in front on Fortification street ; bounded in front by the said Saint Lambert street ; in rear, partly by Doctor Trudel and partly by the Honorable Gédéon Ouimet ; on the south east side by the said Saint James street, and on the north-west side by Fortification street, with two two-story stone houses and a small brick building thereon erected ;

That the said sale was made in the usual manner, after advertising and according to all the formalities prescribed for the sale of property of minors and other incapable persons ;

That Téléphore Turcot, dentist, of the city and district of Montreal, was the highest and last bidder at the said sale of part of the said immoveable, and became the owner thereof by the adjudication to him under a deed of sale and adjudication by Séraphin Turcot in favor of the said Téléphore Turcot, dated the 20th of August, 1870, J. E. O. Labadie, notary ;

That the said Louis Jean Baptiste Martin was the highest and last bidder at the said sale of the other portion of the said land, and became the owner thereof by the adjudication to him under a deed of sale by Séraphin Turcot, *ès qualité*, to Louis Jean Baptiste Martin, dated the 17th of April, 1872, J. E. O. Labadie, notary ;

That the said Téléphore Turcot conveyed the portion of the immoveable he had acquired at the said licitation to Séraphin Turcot, his father, by deed of conveyance by Téléphore Turcot to Séraphin Turcot, his father, dated the 29th August, 1870, J. E. O. Labadie, notary ;

That the price of sale of the above described immoveable sold at the said licitation remains on such immoveable to be employed for the purposes of the substitution created by the wills of the said Joseph Robereau-Duplessis and Marie Catherine Cardinal ;

That the substitutes under this substitution are all now of age ;

That, by deed of agreement, dated the 20th of March, 1885, it was stipulated that the substitutes in the said substitution should have the benefit of the increased value of the immoveables forming part of such substitution and adjudged to the substitutes or institutes at the time of the aforesaid licitation ;

That the said Séraphin Turcot, by his will dated the 28th of March, 1884, J. L. Coullée, notary, bequeathed the usufruct of his immoveable property to his wife and to the said Joseph Urbain Turcot, his son, and, in the event of Dame Léa Cardinal, the wife of the said Joseph Urbain Turcot surviving the latter, he bequeathed the said usufruct to the said Dame Léa Cardinal, as long as she should not re-marry ;

That, upon the extinction of the usufructs granted to the said wife of the said Séraphin Turcot, to the said Joseph Urbain Turcot, and to the said Léa Cardinal, wife of the latter, the full ownership of the said immoveables was bequeathed to the legitimate children issue of the said Joseph Urbain Turcot, to be shared by heads between his children and by representation and by roots among all their descendants ;

That the said Séraphin Turcot died on the 27th of June, 1885 ;

That the said Joseph Urbain Turcot also made his will on the 14th of February, 1893, J. L. Coullée, notary, constituting his said wife, Léa Cardinal, his usufructuary and universal fiduciary legatee ;

That the said Joseph Urbain Turcot died on the 17th of February, 1893 ;

That of his marriage with the said Léa Cardinal, the following children were born : Fleury, Godfroy, Gustave, Raoul, Alfred, Henri and Donaldine, now all of the age of majority, and Urbain and Valentine Turcot, still minors ;

That, on the 11th of March, 1905, the said Louis Jean Baptiste Martin and the said Dame Léa Cardinal, both personally and in her capacity of tutrix, and others, sold by deed of sale the whole of the said property to *Le Crédit Foncier Franco-Canadien* ;

That doubts have arisen as to the validity of the said adjudication and sales for the reason that, by the proceedings followed for obtaining the authorization to have the sale effected before the court by licitation, it does not sufficiently

appear that the demand in partition was instituted by the representatives capable of acting, which was alleged to justify the steps taken by the heirs and by the representatives of the incapables who applied for the authorization, neither does their right to sell definitively appear, while amongst the vendors at the sale of the 11th of March, 1905, there are persons who are still minors ;

That it is in the interest of the heirs and representatives of the said Joseph Robereau-Duplessis and Marie Catherine Cardinal, as well as of the vendors of the said immoveables to *Le Crédit-Foncier Franco-Canadien*, that such doubts and all other irregularities and illegalities in the deeds above set forth be removed, and thereby all causes of difficulties and law suits be avoided ;

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

Certain adjudications and sales ratified.

1. The adjudications and sales effected under an order of authorization homologated by the prothonotary of the Superior Court for the district of Montreal on the 26th of April, 1870, of part of the immoveable now described under the number 146 on the official plan and book of reference for Centre ward of the city of Montreal, to Louis Jean Baptiste Martin, by deed passed before J. E. O. Labadie, notary, on the 29th of August, 1870, and of part of the same immoveable to Téléphore Turcot by deed before the same notary on the 17th of April, 1872, are ratified and declared valid, as well as the conveyance and transfer by the latter of the part of the said immoveable by him acquired to Séraphin Turcot by deed of the 29th of August, 1870, before the same notary.

Certain sale ratified.

2. The sale of the said immoveable described under the number 146 on the official plan and book of reference for Centre ward of the city of Montreal, by Louis Jean Baptiste Martin and others to *Le Crédit-Foncier Franco-Canadien*, by deed, copy whereof is reproduced at length in the schedule to this act, passed before Henri Pépin, notary, on the 11th of March, 1905, is also ratified and declared valid.

Deposit and distribution of purchase money.

3. The purchaser at the sale lastly mentioned, *Le Crédit Foncier Franco-Canadien* shall deposit to the credit of the Treasurer of the Province of Quebec, in the office of the prothonotary of the Superior Court of Montreal, in the district of Montreal, the price of sale which shall be distributed according to law and to the rights of all the parties interested ; such deposit shall effect acquittance and discharge for all lawful purposes in favor of the said purchaser, *Le Crédit Foncier Franco-Canadien* ; and the registration of the certificate of such deposit shall effect the cancellation and

Effect of registration of certificate of deposit.

discharge of all privileges, charges, hypothecs or other rights or entries whatsoever against the said immoveable.

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

SCHEDULE

In the year nineteen hundred and five, on the eleventh day of March.

Before HENRI P. PEPIN, the undersigned notary, practising in the city and district of Montreal,

CAME AND APPEARED :

LOUIS JEAN-BAPTISTE MARTIN, burgess ; FLEURY TURCOT, hotel-keeper ; GODFROY TURCOT, jeweller ; GUSTAVE TURCOT, surgeon-dentist, acting and represented by DAME LÉA CARDINAL, widow of Joseph Urbain Turcot, his special mandatary, under power of attorney, signed at New York, in the United States, on the seventh March instant, duly recognized and authenticated according to law and deposited in the office of J. E. O. Labadie, notary, on the tenth instant ; RAOUL TURCOT, clerk ; ALFRED TURCOT, clerk ; HENRI TURCOT, agent ; DAME DONALDINE TURCOT, wife, separated as to property by marriage contract of Joseph Wilfrid Lavergne, esquire, physician, and by her said husband hereunto duly authorized, and DAME LÉA CARDINAL, widow of Joseph Urbain Turcot, both in her own personal name and in her capacity of tutrix duly appointed in law to her two minor children Urbain and Valentine Turcot, issue of her marriage with the said late Joseph Urbain Turcot, all of the said city and district of Montreal, with the exception of the said Gustave Turcot,

Party of the first part ;

AND

LE CRÉDIT-FONCIER FRANCO CANADIEN, a corporation having its principal place of business in this city, acting and represented herein by Martial Chevalier, general manager,

Party of the second part ;

Which parties have declared as follows :

The parties of the first part acknowledge to have sold with all legal warranties to the party of the second part thereof accepting :

That immoveable fronting ou Saint Lambert hill, in this city and extending from Saint James street to Fortification street, known and designated under the number one hundred and forty-six (146) on the official plan and book of reference of Centre ward, with the buildings thereon erected.

TITLE DEEDS

The vendors declare that they are owners of the said immoveable under valid titles, and especially in virtue of those hereinafter set forth :

1. Sale on the 17th April, 1872, J. E. O. Labadie, notary, by Séraphin Turcot, curator, to Louis Jean-Baptiste Martin, registered under No. 67,170 ;

2. Sale by Séraphin Turcot, *ès-qualité*, to Téléphore Turcot, before the same notary on the 29th August, 1870, registered ;

3. Conveyance dated the 29th August, 1870, before the same notary, by Téléphore Turcot to Séraphin Turcot, registered under No. 108,254 ;

4. Will of Lucie Robereau-Duplessis, dated the 26th April, 1884, before J. L. Coutlée, notary, registered under No. 110,658 ;

5. Will of Séraphin Turcot, passed before the said Mtre Coutlée on the 28th March, 1884, and registered under No. 112,293 ;

6. Will of Joseph Robereau-Duplessis, before Mtre. Thomas Bedouin, notary, on the 6th August, 1884, registered under No. 2980 ;

7. Will of Marie Catherine Cardinal, widow of Joseph Robereau-Duplessis, dated the 15th May, 1835, before Mtre. L. S. Martin, registered under No. 2984 ;

8. Will of Joseph Urbain Turcot, dated the 14th February 1893, before Mtre J. L. Coutlée, notary, registered under No. 124,057.

The parties moreover intend to transfer to said purchaser all rights of ownership and any other rights they may have in and to the said immoveable under any title whatsoever.

This sale is made for the price of forty-five thousand dollars, which the purchaser shall pay to the vendors as soon as an act shall have been passed by the legislature validating and confirming the present sale, as the legislature may order, without interest in the interval ; and, until such date, the vendor shall receive the revenues from the said immoveable.

The purchaser shall pay the whole of the special tax to

be imposed by the city in consequence of the widening of Saint Lambert street.

To these presents intervened :

MESSRS. HENRI MARTIN, burgess, FLAVIEN G. MARTIN, druggist's clerk and MISS EMILIE MARTIN, spinster, all three of the city of Montreal.

Who confirmed and ratified the present sale in so far as they are personally concerned, under any title whatsoever, consenting that the said purchaser shall be and remain the owner of the said immoveable to all intents and purposes.

And the said Dame Léa Cardinal, widow of Joseph Urbain Turcot aforesaid, consents, in the event of any of the aforesaid deeds having established a substitution by which she shall be bound, to disseize herself of all such rights for the purposes of the present sale and, by anticipation, to deliver over, on behalf of her children, the aforesaid vendors, the property constituting the object of such substitution.

WHEREOF ACTE, in the said city of Montreal, in the office of the undersigned notary, under the number twenty-six thousand one hundred and eighty-six.

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

(Signed)	L. J. B. MARTIN,
"	FLEURY TURCOT,
"	G. A. TURCOT,
"	R. N. L. TURCOT,
"	A. Z. TURCOT,
"	D. T. LAVERGNE,
"	J. W. LAVERGNE,
"	H. G. TURCOT,
"	L. CARDINAL TURCOT,
"	HENRI MARTIN,
"	FLAVIEN MARTIN,
"	MARIE-EMILIE MARTIN,
"	MARTIAL CHEVALIER,
	<i>General Manager.</i>
"	H. P. PEPIN, N. P.

True copy of the original,

H. P. PEPIN, N. P.
