

CHAP. 111

An Act to validate a sale by Albert E. Mussen to Henry S. Mussen and the discharge and release by Dame Elizabeth Georgina Cleghorn therein contained.

[Assented to 20th May, 1905]

Preamble.

WHEREAS Henry Smith Mussen, of the city of Montreal ; Dame Elizabeth Georgina Cleghorn, wife separate as to property of Albert Edward Mussen of Jersey City, in the state of New Jersey, one of the United States of America, insurance clerk, and the said Albert Edward Mussen, as well personally as to authorize his said wife, have, by petition, represented :

That, by deed of sale passed before Henry Fry, notary public, at the city of Montreal on the 20th January, 1899, the said Albert Edward Mussen sold to the said Henry Smith Mussen, for good and valid consideration, as therein set forth, a certain emplacement fronting on Dorchester street in the then St. Antoine Ward of the city of Montreal, forming part of lot number 1639 on the official plan and book of reference of the said ward, with the buildings thereon erected and all the rights and appurtenances thereto belonging, as more fully described in said deed of sale, being number 6109 of the records of the said notary ;

That the said Dame Elizabeth Georgina Cleghorn, duly authorized by her said husband, intervened in said deed of sale and declared herself content and satisfied therewith, and moreover released and discharged the property thereby sold from the hypothec in her favor created by the contract of marriage between her and the said Albert Edward Mussen, the vendor, passed at the city of Montreal, on the 29th October, 1895, before H. S. Hunter, notary, the said hypothec being so created to secure the payment by the said Albert Edward Mussen to the said Dame Elizabeth Georgina Cleghorn of the sum of ten thousand dollars, the amount of a gift made to her by him in said marriage contract ;

That by the terms of said marriage contract the said Dame Elizabeth Georgina Cleghorn has the right, during said marriage or after, to grant discharge and *main levée* of the said hypothec ;

That certain doubts have arisen as to the validity of the said release and discharge by the said Dame Elizabeth Georgina Cleghorn contained in the deed relating thereto ;

Whereas the petitioners, who are the only parties interested, or who can have any interest in the said immove-

able property, have prayed for the passing of an act to remove such doubts, and to confirm and ratify the said release and discharge by the said Dame Elizabeth Georgina Cleghorn therein contained ;

Whereas it is expedient to grant the prayer of the said petitioners ;

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

1. The release and discharge by Dame Elizabeth Georgina Cleghorn duly authorized, contained in the deed of sale, reproduced in the annexed schedule, passed before Henry Fry, notary, at the city of Montreal, on the 20th January, 1899, being number 6109 of his minutes, between Albert Edward Mussen and Henry Smith Mussen, from the hypothec and charge on the property thereby sold created in her favor by the contract of marriage between her and the said Albert Edward Mussen passed before H. S. Hunter, notary, on the 29th October, 1895, and the said sale and release and discharge, are hereby ratified, confirmed and declared valid to all intents and purposes.

Certain re-
lease, &c.,
ratified, &c.

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

Coming into
force.

SCHEDULE

BEFORE M^{RE} HENRY FRY, the undersigned public notary for the Province of Quebec, practising at the city of Montreal,

APPEARED :

ALBERT E. MUSSEN, of the city of Montreal, clerk,
who hath by these presents sold with legal warranty and immediate possession,

UNTO

HENRY SMITH MUSSEN, of the city of Montreal, gentleman, present and accepting, the following immoveable property, namely :

DESCRIPTION

An emplacement fronting on Dorchester street, in St. Antoine Ward, of the city of Montreal, forming part of lot number sixteen hundred and thirty-nine on the official plan and book of reference of the said ward, and being

composed of the north easterly part of subdivision sixty-one on the subdivision plan duly made and fyled of the said official lot (1639-61) and of the south westerly part of subdivision sixty, on the said subdivision plan (1639-60); the portion of said subdivision sixty-one hereby sold, containing seventeen feet, nine inches in width, by one hundred and ten feet in depth, bounded in front by Dorchester street, in rear by a lane, to the north-east by subdivision sixty and to the south-west by the remainder of said subdivision sixty-one, the property of Mrs. George J. Crowdy, and the portion of subdivision sixty hereby sold containing three feet in width by one hundred and ten feet in depth, bounded in front by Dorchester street, in rear by the said lane, to the south-west by subdivision sixty-one, and to the north-east by the remainder of said subdivision sixty, sold to Joseph Luttrell,—the whole emplacement thus containing twenty feet, nine inches, or thereabouts in width by one hundred and ten feet in depth, the whole English measure and more or less, with right of passage on foot and with vehicles and animals at all times in common with others in the said lane in rear, being subdivision fifty-two of the said official lot (1639-52) without any right to encumber the same in any way; with the stone and brick house known as number 1256 Dorchester street thereon erected, of which the gable walls on both sides are *mitoyen*; as the said property now subsists with all its rights, members and appurtenances, without exception or reserve of any kind on the part of the vendor.

TITLE

The vendor acquired the said property from Frederick Tuck by deed of sale passed before the undersigned notary on the seventeenth of September, eighteen hundred and ninety-five, registered in the registry office for Montreal West, on the fourteenth day of October following under No. 127,450; and said Tuck acquired with greater extent from Napoléon Deslauriers under the exchange passed before the undersigned notary on the twentieth of July, eighteen hundred and ninety-four, registered in the said office on the twenty-fifth of the same month under No. 125,873.

The vendor declared and covenanted:

1st. That the said property is held under the tenure of *franc aleu roturier* and is free and clear of all assessments and rates, general and special, to this date, and of all encumbrances, except that hereinafter discharged;

2nd. That he is separate as to property from his present wife under their contract of marriage hereinafter mentioned, and that he was separate as to property from his first wife,

by contract before H. Brodie, notary, on the eleventh of October, eighteen hundred and ninety.

PRICE

This sale is thus made for good and valuable consideration, which the vendor acknowledged to have received from the purchaser at the execution hereof, whereof quit ; the purchaser to pay the costs of these presents, their registration and all assessments and rates hereafter imposed on said property.

And to these presents came and intervened, DAME ELIZABETH GEORGINA CLEGHORN, wife of the vendor and by him duly authorized, who having taken communication of these presents declared herself content and satisfied, and moreover releases and discharges the property hereby sold from the hypothec created by the contract of marriage between her and the vendor, passed before H. S. Hunter, notary, on the twenty-ninth of October, eighteen hundred and ninety-five, registered in the said office on the twenty-eighth of November following, under No. 127,661, hereby releasing the said property from all claim, privilege and hypothec existing in her favour thereon.

WHEREOF ACTE :

DONE AND PASSED, at the city of Montreal, this twentieth day of January, one thousand eight hundred and ninety-nine, and of record in the office of the said Mtre. Fry under the number 6,109.

And, after due reading hereof, the parties signed in presence of the said notary.

(Signed),	LIZZIE C. MUSSEN,
"	A. E. MUSSEN,
"	H. S. MUSSEN,
"	HENRY FRY, N. P.

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

HENRY FRY, N. P.
