

C H A P . 116

An Act to authorize the sale of an immoveable belonging to the substitution created by the will of the late Michael Kavanagh.

[Assented to 2nd June, 1904]

WHEREAS Mary Ann Kavanagh, of the city and dis- Preamble.
trict of Montreal, wife judicially separated as to bed and board of John McCrory, manufacturer, of the same place, but by the latter duly authorized for the purposes hereof, has, by her petition represented :

That the late Michael Kavanagh, her father, in his lifetime, gentleman, residing in the city of Montreal, bequeathed to her as institute and to her children in full ownership, by his will made before Mtre. Eustache Prudhomme, notary and two witnesses, on the 31st December, 1889, at Montreal, the following immoveables, to wit :

- (a) The lot of land bearing the number 731 of the official plan and book of reference of St. Antoine ward, in the city of Montreal, with the buildings thereon erected ;
- (b) Three contiguous lots of land, being numbers one, two and three of the subdivision of lot number 623 of the official plan and book of reference of St. Antoine ward, in the city of Montreal, with the buildings thereon erected, and the right of way through the alley in rear of such lots ;

That the lot of land described in paragraph (a) above, does not yield sufficient revenue to allow the petitioner, the institute, to make the necessary repairs, pay the ordinary municipal and school taxes and assessments and, in addition, the special taxes imposed by the city of Montreal, as the contribution due by the said immoveable for the widening of Cathedral street ;

That, moreover, with the proceeds of the sale of the said immoveable, the petitioner could make a more advantageous investment, both for herself and for the substitutes than that represented by the said immoveable in its present state ;

Whereas a petition has been presented to that effect and it is expedient to grant such prayer ;

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

Authority given to sell certain immoveable property.

1. Dame Mary Ann Kavanagh, as heiress and institute in the substitution created by the will of the late Michael Kavanagh, and the curator to the said substitution, are authorized to sell the immoveable bearing the number 731 of the official plan and book of reference of St. Antoine ward, in the city of Montreal, with the buildings thereon erected, by sale by mutual agreement, with the permission of a judge of the Superior Court or of the prothonotary of the said court, granted upon the advice of a family council duly called for that purpose.

Effect of payment of purchase price.

2. The payment of the purchase price of the said immoveable by the purchaser shall be valid to all intents and purposes, and shall discharge such purchaser from all responsibility concerning the investment of the proceeds of the sale of the said immoveable.

Application of proceeds of sale.

3. The proceeds of the sale of the said immoveable shall, in the first place, with the authorization of the judge, or of the prothonotary, in the manner mentioned in section 1 of this act, be employed in paying the costs of this act and of the sale, as well as the debts upon the said immoveable, and the balance of the price of sale shall be employed in the purchase of other immoveable property or invested in accordance with articles 981^o and following of the Civil Code ; the said investment shall be effected by the institute and by the curator to the substitution, upon the authorization of a judge of the Superior Court or of the prothonotary of the said court, upon the advice of a family council, or the balance of such price of sale shall remain in the hands of the purchaser, secured by hypothec on the said immoveable sold ; provided that the distribution of the fruits and revenues of the said substitution be in nowise affected by the provisions of this act.

Coming into force.

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