

proceeds thereof under the terms of the said will and in accordance with this act.

2. The said executors are authorized to invest the shares of the said sons in the said estate in improved real estate, which will bring in revenue, or in first mortgages or hypothecs on improved real estate, in their own names, and, from time to time, to sell such investments, and, in their own names, reinvest the same as provided in the said will, but only upon obtaining the consent of the son or sons interested in such real estate, and after the death of any son before attaining the age of forty-five, to make such sale and reinvestment alone, without other consent.

Investment of
proceeds.

3. The said executors are hereby empowered to sell the business and moveables appertaining thereto, heretofore carried on by the said late George Childs, by public or private sale, or by tender for cash or on giving delay for the whole or part payment, in parcels or *en bloc*, the whole as to them may seem best; provided that in the event of any credit for any balance being given, the executors shall require sufficient security for the payment of such balance.

Sale of busi-
ness and
moveable
property.

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

Coming into
force.

C A P . L X X X I X .

An Act respecting the sale of certain property, part of the intestate succession of the late Duncan Finlayson.

[Assented to 21st December, 1895.]

WHEREAS Sarah Finlayson, widow of the late Roderick Finlayson, in his life-time of Vancouver, British Columbia; Mary Finlayson, of the same place; C. W. R. Thomson and Arthur W. Jones, all of Victoria aforesaid, in their quality of executors and trustees of the last will and testament of the said Roderick Finlayson, of date the eleventh of June, eighteen hundred and ninety, and the said Mary Finlayson personally, have by their petition, represented:

Preamble.

That they are interested in and owners in *indivis* of a certain property being and situated in the city of Montreal, and known and designated on the official plan and book of reference of the Saint Antoine ward as number seventeen hundred and seventy-nine, having three dwelling-houses, together with outhouses and dependencies thereon erected, and known as numbers one, two and three Prince of Wales Terrace;

That prior to the twenty-fifth of July, eighteen hundred and sixty-two, the said property was vested in the late Duncan Finlayson, in his life-time in the employ of the Hudson's Bay Company;

That on or about the twenty-second day of July, eighteen hundred and sixty-two, the said Duncan Finlayson made his last will and testament before witnesses and a codicil thereto, which said will and codicil thereto were duly probated in the Superior Court, Montreal, on the thirteenth day of October, eighteen hundred and sixty-two;

That the said Duncan Finlayson departed this life on or about the twenty-fifth day of July, eighteen hundred and sixty-two;

That, after various special legacies in the said will set forth, the said Duncan Finlayson devised and bequeathed the rest and residue of his estate to the trustees therein named, upon trust to convert the same into cash and invest the proceeds thereof in the manner directed by the said will, and to pay the interest therefrom arising to his wife, Isabel Graham Simpson, and, upon her death, to transfer and make over the capital of the said rest and residue to the treasurer for the time then being of the society commonly called or known by the name of the "Church Missionary Society for Africa and the East," to whom the said residue was bequeathed in full property for the purposes set out in the said deed;

That, among the said rest and residue of the estate, were included three certain premises situated in the city and district of Montreal, composed and being described as three lots of ground, houses and dependencies, numbers one, two and three Prince of Wales Terrace, being cadastral lot number one thousand, seven hundred and seventy-nine of the official plan of Saint Antoine ward of the city of Montreal;

That, on or about the fourth day of May, eighteen hundred and eighty-six, an action was instituted in the Superior Court, Montreal, bearing among the records of the said court the number fifteen hundred and thirty-six, wherein Nicol Finlayson, of the county of Inverness, in that part of the United Kingdom of Great Britain and Ireland called Scotland; John Finlayson, Ann McKenzie Finlayson and Catherine Finlayson, all three residing at Williamstown, in the county of Beauharnois, and Roderick Finlayson, of Vancouver's Island, in the Pacific Ocean; the said John Finlayson, Ann McKenzie Finlayson, Catherine Finlayson and Roderick Finlayson being the four children and sole lawful issue of the late Alexander Finlayson, in his life-time of Williamstown aforesaid, with his deceased wife, Ann Finlayson, wife of Roderick McKenzie, of Edinburgh, in Scotland aforesaid; and the

said Roderick McKenzie, for the purpose of authorizing his said wife for all the effects thereof; Jessie Reid Finlayson, wife of the Reverend John McPhail, of Steal, in the Isle of Skye, in Scotland aforesaid, minister; and the said John McPhail as the husband of the said Jessie Reid Finlayson, and duly authorising her for all the effects thereof,—the said Ann Finlayson and Jessie Reid Finlayson being the only lawful issue of the late Reverend John Finlayson, in his life-time of Cromarl, in Scotland, clerk, with his deceased wife; John McKenzie, chief factor in the service of the Hudson's Bay Company; and Kenneth McKenzie and Hector McKenzie, both of Inverness, in Scotland aforesaid,—the said John McKenzie, Kenneth McKenzie and Hector McKenzie being the only lawful issue of the late Ann Finlayson, in her life-time of Rosshire, wife of Hector McKenzie, of Rosshire aforesaid, farmer, both deceased,—were plaintiffs; and James Dunbar Lamb, of Nairn, in Scotland, and David Davidson, of Edinburgh, in Scotland aforesaid,—the sole acting executors of the late Duncan Finlayson, in his life-time of the county of Middlesex, in England aforesaid, deceased,—were defendants;

That, in the said action, the plaintiffs alleged that the said Church Missionary Society for Africa and the East were, under the terms of the charter or act of incorporation, under legal disabilities with reference to real or immoveable property and incapable of inheriting or taking any legal title in the said three houses hereinbefore referred to, and prayed that, by the judgment to be rendered in the said case, it should be declared that the said three houses, were not affected by the will of the said late Duncan Finlayson and fell into his intestate succession;

That, on or about the fourth day of June, eighteen hundred and sixty-eight, the said Missionary Society for Africa and the East, acting by the ministry of the Honorable Francis Maude, treasurer of the said society, intervened in the said suit;

That, on or about the ninth day of July, eighteen hundred and sixty-eight, a judgment was rendered in the said suit declaring that the said Missionary Society was not legally competent to take or receive the bequest of the said immoveable property, that the same was not affected by the terms of the will of the said Duncan Finlayson, that the executors of the will of the said Duncan Finlayson were never seized in such quality under the will of the said real estate and houses and had no right to retain the possession thereof for the benefit of the Missionary Society, the intervening parties, or for any other person or persons whatever, and that, upon the death of the said Duncan Finlayson, the said three houses devolved upon the said heirs-at-law of the said Duncan Finlayson, namely, the

plaintiffs in the said suit, and vested in them as the true and lawful proprietors thereof;

That no appeal was ever instituted from the said judgment;

That the said heirs-at-law never took any steps to gain possession of the said premises or took possession thereof, the said executors, under the will of the said Duncan Finlayson, continuing to administer the same until and down to the date of the death of the said Mrs. Finlayson, which took place on or about the twenty-second day of August, eighteen hundred and ninety;

That, by reason of the lapse of time since the rendering of the said judgment, there are presently a large number of persons having an interest in and owners by *indivis* of said houses and property, as being the legal heirs and representatives of the said Nicol Finlayson and others, the plaintiffs in the said suit, the said heirs and representatives being and residing in divers foreign countries;

That it is virtually impossible, by reason of the number of persons interested in the said property, to ascertain the nature of their said interest and the manner in which the same has accrued to them;

That it is virtually impossible to obtain powers of attorney or other documents necessary to give a perfect title to the said property, by reason of the fact that the parties interested reside in foreign countries remote from the Dominion of Canada;

That it has been found impossible to definitely ascertain the names and whereabouts of the parties having an interest in the said property, in order to the institution of an action in licitation;

That the said petitioners, inasmuch as they have not been able to ascertain the names and residences of the various parties having an interest in said property, have been debarred from instituting an action in licitation in order to bring the said property to sale;

That serious loss has been and is occasioned to petitioners;

That it is desirable that the said property should be sold and disposed of, and the proceeds thereof divided and distributed amongst the parties in proportion to their respective interests in the said property; and whereas the petitioners have prayed for relief in the premises, and it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

G. W. Simpson named to sell certain real estate. Formalities to be observed.

1. Geo. W. Simpson, of the city and district of Montreal, broker, is hereby named and appointed to take steps to carry out the sale and disposition of the said three houses, with the following formalities:

1. He shall cause to be made a separate valuation of each of the said three houses by two competent real estate agents of the city of Montreal, which valuation so by them made shall be the upset price below which the said houses shall not be sold, and the said properties shall not be sold below such valuation as made by such experts ;

2. He shall cause to be advertised, in two French and two English papers published in the city of Montreal, and also in the *Quebec Official Gazette*, for the space of one month, notices of the time and place of the sale of the said properties ;

3. The sale shall be made for cash ;

4. The said Geo. W. Simpson shall sell the said properties by public auction, and Henry Fry, of the city of Montreal, notary public, is hereby appointed to conduct the proceedings of the said sale ;

5. The properties shall be sold to the last and highest bidder ;

6. The deed or deeds of sale of the said premises shall be executed before Henry Fry, notary, and the said Geo. W. Simpson is hereby authorized to become a party to the said deed or deeds, and sign the same in order to transfer the property to the purchaser thereof ;

7. The said Geo. W. Simpson is authorized to sell the said property under such other and further conditions, duly announced at the time of sale, as he may consider in the interests of the parties concerned ;

8. The said Geo. W. Simpson is authorized to receive the purchase price of the said properties, and from and out of the said purchase price to pay and satisfy all expenses connected with this act and bringing the said properties to sale ; and he shall, within thirty days of the completion of the said deed or deeds, deposit all moneys in his hands, the balance of the purchase price of the said property, together with a copy of all proceedings had in connection with the sale of the said property, with the Treasurer of the Province of Quebec, who shall hold the same for the benefit of any heirs claiming their share of such balance ;

9. The said Geo. W. Simpson is authorized to sell the said property and houses singly or *en bloc*, as he may consider best.

2. Upon the said sale of the said property so made, and upon the completion of the deed or deeds of sale to the said purchaser or purchasers, the said property or properties shall vest in the said purchaser or purchasers by good, valid and indefeasible title, free and clear from all claims on the part of any of the heirs-at-law of the late Duncan Finlayson or any other persons whomsoever, whose recourse,

Property to
vest in pur-
chaser after
sale.

if any they have, shall be against the moneys, the proceeds of the said property, deposited in the hands of the Treasurer.

Proviso, in event of the death of G. W. Simpson or H. Fry.

3. In the event of the death, resignation or refusal to act of the said Geo. W. Simpson or the said Henry Fry, or both of them, a judge of the Superior Court for the district of Montreal shall appoint, upon the petition of the petitioners named in this act or any of them, another person or persons to act in the room and stead of Geo. W. Simpson or Henry Fry, and such person or persons shall continue all proceedings and have all the powers and privileges conferred by this act on the said Geo. W. Simpson and Henry Fry.

Further proviso.

In the event of the death or resignation, or refusal to act of said appointee or appointees, another or others may be similarly and in like manner appointed and shall have the like powers and privileges.

Coming into force.

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

C A P . X C .

An Act to ratify a deed of sale by His Grace Edouard Charles Fabre, Archbishop of Montreal, and the Reverend Calixte Ouimet to Philibert Tétrault.

[Assented to 21st December, 1895.]

Preamble.

WHEREAS His Grace Archbishop Edouard Charles Fabre, and the Reverend Adolphe Bérard, in his quality of parish priest of the parish of Saint François Xavier de Verchères, have, by petition, represented :

That Dame Marie Perrot, widow of the late François Jarret, *Sieur* de Verchères, both in her own name and as tutrix to the children of her late husband and herself, did, on the nineteenth day of January, one thousand seven hundred and ten, before Mtre Adhémar, royal notary, give and concede, amongst other immoveables, unto the *curé* of Verchères and his successors, thereof accepting through the Reverend Louis de Lafarge, *curé* of the said place, thereunto present, ninety arpents of land in superficies, and a lot in the said seigniorie three arpents in front by thirty arpents in depth, adjoining in front to the rear of the lands of Joseph and Jacques Tétrault, in rear and on both sides to the unconceded lands of the said seigniorie ;

That such gift and concessions were so made under the terms of the deed, on condition that the immoveable