

Certain adjudications and sales declared valid.

Investment of certain portion of the price.

1. The adjudications and sales made to the said Louis Félix Robereau Duplessis of the above described immoveable in its three shares, are declared valid, notwithstanding the illegalities or informalities mentioned in the preamble to this act.

The representatives of the minors and other disqualified persons shall nevertheless be bound to invest, with all possible diligence, that portion of the price of sale belonging to the latter.

CAP. XCII.

An Act to declare valid a sale from Benjamin Decary to James Armstrong and others.

[Assented to 21st December, 1895.]

Preamble.

WHEREAS James Armstrong and John J. Cooke have, by their petition, represented :

That, by deed of donation before A. C. Decary, notary, the third of February, eighteen hundred and eighty-one, Joseph Decary, senior, farmer, residing at Côte St. Antoine, in the parish of Notre-Dame de Grâces, in the county of Hochelaga, amongst other gifts to various persons therein made, gave to one of his sons, Benjamin Decary, a certain immoveable property situated at Côteau St. Pierre, in the said parish, and known on the official plan and book of reference of the parish of Montreal by the number 139, and which said property was to belong to the said Benjamin Decary, in ownership, during his lifetime, and after his death to certain other persons referred to in the said deed ;

That Benjamin Decary was by said deed allowed to sell the said property, on obtaining the consent in writing of his father, if alive, and, if dead, then of either of his brothers, Joseph Decary, *filis*, or Félix Decary, in which case the proceeds of the said sale were to be applied to the purchase of other immoveable property ;

That, by deed before A. C. Decary, notary, the second of October, eighteen hundred and ninety, the said Benjamin Decary sold a portion of the immoveable property to James Armstrong and John J. Cooke, a part of the purchase price being paid in cash and the balance made payable by various instalments at subsequent dates thereafter, and to which said deed of sale the said donor, Joseph Decary, became a party, consenting thereto, and declaring that he ratified and confirmed the same, and each and every the provisions thereof, as if he was personally the vendor, and that he approved of the conditions of payment of the purchase price in the manner set forth in the said deed ;

That the whole of the purchase price has since been paid by the said purchasers to the said Benjamin Decary and a final discharge has been given therefor, to which said discharge his said two brothers, Joseph Decary, *fi ls*, and Charles Decary, intervened and approved of said payment, the said donor, Joseph Decary, having died in the interval ;

That the said purchase price has been securely invested by the said Benjamin Decary, with the approval of his father, the late Joseph Decary, and of his said brothers, Joseph Decary, *fi ls*, and Charles Decary, partly in other immoveable property and partly in first-class loans secured by hypothec on immoveable property in the counties of Hochelaga and Jacques Cartier, except a balance, which is on deposit in bank, bearing interest, and waiting suitable investment,—the said Benjamin Decary and his said father and brothers, considering that the time was not opportune for the reinvestment of the whole of said price in the acquisition of other immoveable property, seeing the high prices to which the same has risen ;

That the said purchasers have greatly improved the said property, expending large sums in so doing, and have subdivided a part thereof, from which a number of lots have been sold ;

That the said Benjamin Decary, in so selling the said property, and his said father and brothers in so consenting thereto, and to the payment of the purchase price and the said purchasers in paying the same, were so advised and understood and believed that they were respectively entirely within their rights in so doing, and acted in good faith ;

That, notwithstanding the foregoing, doubts have since arisen as to whether it was or was not incumbent on the said purchasers to see to the reinvestment of the purchase price in the acquisition of other immoveable property, and as to whether, without so doing, the said Benjamin Decary was in a position to give a sufficient title ; and that such doubts, may occasion protracted and ruinous litigation ;

Whereas the said petitioners have prayed that such doubts be removed and the said sale declared valid, and whereas it is expedient to grant the prayer of the said petition ;

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

I. The sale of part of lot number one hundred and thirty-nine of the cadastre of the parish of Montreal, from Benjamin Decary to James Armstrong and John J. Cooke, passed before A. C. Decary, notary, the second day of October, eighteen hundred and ninety, and registered in the

Sale of certain lot of land declared valid.

Purchasers
not bound to
see to invest-
ment of price.

Act not to
affect certain
rights.

registry office for the counties of Hochelaga and Jacques Cartier, on the tenth day of October, eighteen hundred and ninety, under the number 35,393, is declared valid and legal, and the said purchasers are not held to see to the reinvestment of the purchase price.

2. The present act shall not be held as altering the position and rights, amongst themselves, of the parties to the said deed of donation executed before A. C. Decary, notary, the third of February, eighteen hundred and eighty-one.

Coming into
force.

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

CAP. XCIII.

An Act to authorize the Board of Notaries of the Province of Quebec to admit Côme Louis Adolphe Morisset as a notary, after examination.

[Assented to 21st December, 1895.]

Preamble.

WHEREAS Côme Louis Adolphe Morisset, of the city of Quebec, student-at-law, by his petition, represented :

That he was admitted to the study of the legal profession on the tenth day of January, one thousand eight hundred and ninety, after successfully undergoing the examination required by law before the Board of Examiners of the Bar of the Province of Quebec ;

That, from that date, he attended the law lectures at the Laval University during three consecutive years ;

That he passed his indentures with Messrs. Malouin and Malouin, advocates, and attended their office during the same period of time ;

That, owing to bad health and on the advice of his physicians, he is obliged to abandon the study of law and desires to be admitted to the practice of the notarial profession, and has already commenced attending a notary's office ;

That he has asked the consent of the Board of Notaries, but has received no reply, and that, if the examination passed by him before the Board of Examiners of the Bar of the Province of Quebec is not accepted as sufficient by the Board of Notaries, he will be exposed to lose the benefit of several years of legal studies ;

Whereas he has prayed that an act be passed to permit the Board of Notaries to admit him amongst its members ; and it is expedient to grant the prayer of the said petition ;

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