

terests and revenues therefrom, as well as the capital, after the opening of the said substitution, shall be received by the parties entitled thereto under the said will and codicils.

Effect of payment of purchase price, &c.

4. The payment by the purchaser or purchasers of any one of the said properties shall be valid for all purposes, and shall free such purchaser or purchasers from all responsibility as to the investment of the said purchase price.

Coming into force.

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

C A P . C I .

An Act to confirm the sales made to George Roberts and Duncan J. Macdonald of certain immoveables belonging to the estate of the late Thomas Ferguson Miller.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS George Roberts, builder, of Montreal, by deed of sale made on the twenty-sixth of February, eighteen hundred and eighty-nine, before William de M. Marler, notary, at Montreal, purchased of William Thomas Miller and others, the legatees of the late Thomas Ferguson Miller, a certain immoveable property described in the said deed as being four lots forming part of lot number fifteen hundred and four in the official plan and book of reference of the St. Antoine ward of the city of Montreal, more particularly known on the subdivision plan duly made by the vendors of part of said lot, as subdivisions nine, ten, eleven and fifteen; the said subdivisions nine, ten and eleven each containing twenty-three feet four inches in width in front, twenty-three feet five inches in width in rear, by a depth of one hundred and sixteen feet six inches, and a superficies of two thousand seven hundred and twenty-three feet, except subdivision eleven, which contains two thousand six hundred and ninety-nine feet, English measure, more or less, and forming together a block of land bounded in front by Stanley Street, in rear by a lane eighteen feet in width; to the north-west by official lot fifteen hundred and three belonging to P. Muldoon or his representatives, and to the south-east by subdivision eight of said official lot fifteen hundred and four; and the said subdivision fifteen containing twenty-three feet seven inches in width in front, twenty-three feet five inches in width in rear, by a depth of one hundred and sixteen feet six inches, and two thousand seven

hundred and thirty-seven feet in superficies, English measure, more or less ; bounded in front by Drummond Street ; in rear by said lane ; on the north-west side by a lane, in which the vendors have no rights, and to the south-east by subdivision fourteen (1504-14) ; with the right of passage in the said lane in rear, which is known as subdivisions five and twelve of the said official lot and established as a common passage for the whole of said official lot one thousand five hundred and four, in and by the deed of partition between Thomas F. Miller and Mrs. Globensky, executed before E. J. Simard, notary, on the fifth March, eighteen hundred and eighty-four, and in the lane next to the Victoria Rink, which was established by a deed of agreement between Rose Connolly and others and John Glass, by deed before J. Belle, notary, on the twenty-eighth of May, eighteen hundred and fifty-nine, without any buildings thereon erected,—as the said property now subsists, with all its rights and appurtenances, without exception or reserve of any kind on the part of the vendors, who acquired the same in the manner set forth in the abstract of title hereunto annexed to form part of the said deed signed by the parties thereto ;

And whereas Duncan J. Macdonald, of Montreal aforesaid, grocer, by deed of sale passed before W. de M. Marler, notary, on the fourth February, eighteen hundred and eighty-nine, purchased from the said universal legatees of the said late Thomas Ferguson Miller, a certain immovable property described in said deed as being “ that certain lot of land situate in the St. Ann’s ward of the city of Montreal, known and distinguished on the official plan and book of reference of the said ward by the number one thousand six hundred and four, containing one hundred and twenty-nine feet three inches in front on Wellington street, one hundred and two feet in rear, one hundred and fifty-four feet on the north east side line, and about one hundred and ninety-seven feet three inches, on the south-west side line, English measure, more or less, and without guarantee as to precise measurement, the excess or deficiency to be for the profit or loss of the purchaser, bounded as follows: in front, to the south-east, by Wellington street ; in rear, to the north-west, by official lot one thousand six hundred and five ; on the north-east side, by Queen street, and on the south-west side by official lots one thousand six hundred and seven, one thousand six hundred and eight, and one thousand six hundred and nine, with the buildings thereon erected,—the whole as coloured green in the plan thereof made by J. Rielle, land surveyor, dated the second of January, eighteen hundred eighty-nine, as the said property now subsists, with all its rights and appurtenances, without exception or reserve of any kind on the part of the vendors ; ”

Whereas the vendors in the said deeds had inherited the said immoveables by virtue of the holograph will of the late Thomas Ferguson Miller, duly admitted to probate before the Superior Court for the District of Montreal, on the third of July, eighteen hundred and eighty-five;

Whereas doubts have arisen as to the rights of ownership of the said vendors in the said lots, and the said George Roberts has been unable to borrow money to build, on the security of the said lots of land, or to sell the said lots;

Whereas similar doubts arose in the case of the sale of other portions of real estate inherited under the said will, to Joseph C. Beauchamp and others; whereas to put an end to such doubts, an action was instituted at Montreal, on the twentieth of June, eighteen hundred and ninety, and returned on the fifth of September following, under number nine hundred and twenty-seven of the records of the Superior Court, by which Pierre Demers prayed for the rescission of the deed of sale which had been granted to him, alleging that the vendors were not absolute proprietors thereof, but only institutors, and that the said property had been sold to him free from all hindrances and charges whatsoever;

Whereas, by judgment rendered on the second of December, eighteen hundred and ninety-one, the action of the said Pierre Demers was dismissed, and the Superior Court decided that no fiduciary substitution had been created by the said will;

Whereas, notwithstanding the said judgment, the said George Roberts and the said Duncan J. Macdonald may meet with difficulty in borrowing on the security of the said immoveables, in the ordinary course of business and in selling said property;

And whereas the said George Roberts and Duncan J. Macdonald have, by their petition, prayed for an act to confirm and ratify the said deeds of sale, 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:

Certain contract of sale declared valid.

1. The contract of sale made and passed on the twenty-sixth of February, eighteen hundred and eighty-nine, before William de M. Marler, notary, at Montreal, by William Thomas Miller and others, legatees of the said Thomas Ferguson Miller, to the said George Roberts, builder, of Montreal, of the following immovable, to wit: four lots forming part of lot number fifteen hundred and four on the official plan and book of reference of the St. Antoine ward of the city of Montreal, more particularly known on the subdivision plan duly made by the vendors of part of said lot as subdivisions nine, ten, eleven and fifteen;

the said subdivisions nine, ten and eleven each containing twenty-three feet four inches in width in front, twenty-three feet five inches in width in rear, by a depth of one hundred and sixteen feet six inches, and a superficies of two thousand seven hundred and twenty-three feet, except subdivision eleven, which contains two thousand six hundred and ninety-nine feet, English measure, more or less, and forming together a block of land, bounded in front, by Stanley street ; in rear, by a lane eighteen feet in width ; to the north-west, by official lot fifteen hundred and three, belonging to P. Muldoon or his representatives, and to the south-east, by subdivision eight of said official lot fifteen hundred and four ; and the said subdivision fifteen containing twenty-three feet seven inches in width in front, twenty-three feet five inches in width in rear, by a depth of one hundred and sixteen feet six inches, and two thousand seven hundred and thirty-seven feet in superficies, English measure, more or less ; bounded in front by Drummond street ; in rear by said lane ; on the north-west side by a lane in which the vendors have no rights ; and to the south-east by subdivision fourteen (1504-14), with the right of passage in the said lane in rear, which is known as subdivisions five and twelve of the said official lot, and established as a common passage for the whole of said official lot 1504 in and by the deed of partition between Thomas F. Miller and Mrs. Globensky, executed before E. J. Simard, notary, on the 5th March, 1884, and in the lane next to the Victoria Rink, which was established by a deed of agreement between Rose Connolly and others and John Glass, by deed before J. Belle, 28th May, 1859, without any buildings thereon erected ; and the contract of sale made and passed on the fourth of February, 1889, before William de M. Marler, notary, at Montreal, by William Thomas Miller, to the said Duncan J. Macdonald, of the following immovable, to wit : " That certain lot of land situate in the St. Ann's ward of the city of Montreal, known and designated on the official plan and book of reference of the said ward by the No. 1604, containing one hundred and twenty-nine feet three inches in front on Wellington street, one hundred and two feet in rear, one hundred and fifty-four feet on the north-east side line, and about one hundred and ninety-seven feet three inches on the south-west side line, English measure, more or less, without guarantee as to precise measurement, the excess or deficiency to be for the profit or loss of the purchaser ; bounded as follows : in front, to the south-east, by Wellington street ; in rear, to the north-west, by official lot 1605 ; on the north-east side, by Queen street ; and on the south-west side, by official lots 1607, 1608 and 1609, with the buildings thereon erected,—the whole as coloured green on the plan thereof made by J. Rielle, land surveyor, dated the

Certain other
contract of
sale also de-
clared valid.

2nd of January, 1889, as the said property now subsists, with all its rights and appurtenances, without exception or reserve of any kind on the part of the vendors,"—are confirmed and ratified and declared valid and legal, and the said George Roberts is declared absolute proprietor of the immoveable hereinbefore in the first place described, and the said Duncan J. Macdonald the absolute proprietor of the immoveable hereinbefore in the second place described, the whole subject to the terms and conditions of the said deeds of sale.

Coming into force.

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

C A P . C I I .

An Act to authorize Louis Marin, junior, to transfer the administration of the estate of the late Louis Marin, senior, to the institutes.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS Louis Marin, testamentary executor and administrator under the will and codicils hereinafter mentioned, has, by his petition, represented :

That Louis Marin, his father, who died at St. Hyacinthe on or about 5th May, 1884, by his will and codicils, received before St. Germain and colleagues, notaries, on the 15th December, 1875, 9th January, 1879, and 16th August, 1884, created a substitution in favor of his grand-children, giving the enjoyment of his property to his eight children, issue of his marriage with the late dame Marceline Normandin, and the ownership of the same to their descendants by roots ;

That, under the said will and codicils, the said Louis Marin was jointly with his brother, François Marin, appointed testamentary executor and administrator of the said estate, and that the latter renounced the said office ;

That, under the said will and codicils, the said Louis Marin had power and authority to proceed with the liquidation and partition of the said estate, and to entrust the administration of such portion coming to each root to such of his brothers, sisters or brothers-in-law as he might consider capable of so administering it ;

That, according to the wish of the said testator, he has proceeded with the liquidation of the property of the said estate, and that he is now in a position to render an account to the heirs, and is disposed to transfer to each root such portion as appertains to it in the said estate ;