

C A P . L X X X I I I .

An Act respecting the substitution created by the will of the late Jean Baptiste Bruyère.

[Assented to 9th May, 1885.]

WHEREAS Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, at present residing in France, have, by their petition, represented that the late Jean Baptiste Bruyère, of Montreal, merchant, their father, made a substitution of his property, appointing the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère the institutes of his property, and their children the substitutes of the same, by and in virtue of his will and codicil thereto made at Montreal before the late J. Belle and his colleague, notaries; the said will bearing date the twenty-first of December, one thousand eight hundred and fifty-two, and the said codicil bearing date the twenty-third of December, one thousand eight hundred and fifty-two, both enregistered in the registration office of Montreal, on the eighteenth April, one thousand eight hundred and fifty-nine, under the number twenty-five thousand six hundred and twenty-five;

Whereas the estate of the said late Jean Baptiste Bruyère consisted, amongst other property, of lots of land situate in St. Louis Ward of the city of Montreal, and are now designated on the official plan and book of reference of the said St. Louis Ward of the city of Montreal as follows:

Number five hundred and eighty-eight; numbers one, two, three, four, five, six, nine, ten, eleven, twelve, thirteen and fourteen of the subdivisions of the official number six hundred and fifty-two; numbers two, three, four, five, six, seven, eight of the subdivisions of the official number seven hundred and fifty; numbers one, two, three, four, five, six, seven of the subdivisions of the official number seven hundred and fifty-five; A, B, C of the subdivisions of the official number seven hundred and sixty-six; A, B, C of the subdivisions of the official number six hundred and twenty-three; numbers one, two, three, four, five, six, seven, eight of the subdivisions of the official number six hundred and fifty-one; A, B, C of the subdivisions of the official number seven hundred and sixty-three; numbers one, two, four, five, six, seven, eight, nine, ten of the subdivisions of the official number seven hundred and eighty; numbers one, two, three, four, six, seven, eight, nine, ten of the subdivisions of the official number seven hundred and fifty-four;

Whereas the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère have further represented that the late Henry Oldham Mackenzie, in his capacity of curator to such substitution, and that they themselves, in their said capacity of institutes, prayed and obtained, by a petition presented to the prothonotary of the district of Montreal, which was homologated on the fourth July one thousand eight hundred and seventy-four, that the same immovables, some of which were at that time differently described than at present, be all sold, and that in fact they were all sold with the exception of the ten subdivision lots lastly mentioned which found no purchasers; whereas errors and irregularities have occurred in such authorization to sell, in the proceedings thereon and in the contracts of sale, in so far that the method of re-investing the proceeds of such sales was incorrectly defined; whereas the official numbers of the lots and of the subdivisions of lots of the plan and book of reference mentioned in the deeds of several persons are incorrect and do not correspond to those contained in the return of the bailiffs charged with such sale and which forms part of the proceedings on the said authorization to sell (but whereas, however, the prices obtained for the said lots were not less than the amount of their valuation), and inasmuch as the plan of the subdivision of one of the said lots has had to be corrected since the sale and the signing of the deeds in favor of certain of the purchasers, whereas such subdivisional lots no longer have the same configuration and new deeds have been rendered necessary owing to the new descriptions;

Whereas the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère have further represented that certain of the purchasers and their representatives fear eviction, refuse to pay the balance which they owe on the price of sale, which is due since the first of October last (1884), and which are mentioned in the deeds of purchase and of other deeds signed by the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, as well in their own name as on behalf of the substitution; whereas the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère are threatened with suits at law for the reimbursement of the sums paid up in full or on account of the prices of sale by the said purchasers or their representatives, unless they be granted a confirmation of title;

Whereas the said deeds of sale and those signed by the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, personally, were in the interest of the said substitution, and the sums which may have been received by the said Robert Felix Antoine Bruyère and Jean Ernest

Alexandre Bruyère appear to have been paid over to the said substitution, as shown by a deed before the late J. H. Jobin, bearing date the twenty-ninth September, one thousand eight hundred and seventy-six, and which was duly registered ;

Whereas it has also been shown that other fictitious adjudications, sales and re-sales of certain of the said lots must remain without effect ; whereas the lots affected thereby really belong to the substitution, although in the name of the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, and, like the lots belonging to the said substitution, which were not sold at the time of the public sale, owing to the absence of purchasers, such lots being vacant, have not yielded and do not yield any revenue, but are liable for the payment of heavy and ruinous taxes, with the exception, however, of one of the said subdivisinal lots which is of great value and is only leased for a nominal amount ;

Whereas the state of affairs described in the petition is the result of errors which have occurred in the authorization to sell and in the proceedings thereon ; that all the deeds connected therewith are affected by these errors ; and that the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère were not personally parties to the said deeds, but were represented by attorneys and their good faith cannot be doubted ;

Whereas it is necessary to provide for the confirmation of these various titles and of the discharges which have already been given, either under judicial authorization or otherwise, and it is equally necessary to provide for the discharge and acquittances to be given to the purchasers and occupants of the said lots or their representatives, and it is expedient that the lots in the possession of the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, and which belong to the said substitution, be reconveyed to the said substitution and be afterwards sold by such substitution, as well as those which already belong to it, which are mentioned in the said authorization to sell and were not sold at the time of the public sale, owing to the absence of purchasers ; and whereas it is necessary to provide for the investment of the moneys derived from the reimbursement of the debts and for the disposal of all these same immovables of the said substitution ; and whereas it is just and in the interest of the said substitution that the prayer of the said petition be granted ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Curator, &c.,
authorized to
confirm certain
titles.

1. The curator to the substitution created by the will and codicil of the late Jean Baptiste Bruyère and the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, the institutes of the said property (after the latter shall have transferred and abandoned to the said substitution all their apparent rights, other than those of institutes, in and to the immovables hereafter described) are authorized to confirm the titles granted to the purchasers and occupants or their representatives of the immovables sold under the said authorization to sell, or sold by the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, and without any regard to the original descriptions thereof; provided such confirmations shall correspond to the lots situate and being in St. Louis Ward of the city of Montreal, and now described on the official plan and book of reference for the said Saint Louis Ward of the city of Montreal under the following numbers, to wit:

Proviso.

Designation of
lots.

Numbers fourteen of the subdivisions of number six hundred and fifty-two; A, B, C of the subdivisions of number six hundred and twenty-three; one (south-east part), two, three, four, five, six, seven and eight of the subdivisions of six hundred and fifty-one; one, two, nine, ten, eleven, twelve and thirteen of the subdivisions of number six hundred and fifty-two; seven and eight of the subdivisions of number seven hundred and fifty; one, two and three of the subdivisions of number seven hundred and fifty-five; A, B, and C of the subdivisions of number seven hundred and sixty-three; four, five, six, seven, eight, nine and ten of the subdivisions of number seven hundred and eighty; and four and five of the subdivisions of number seven hundred and fifty-five.

Curator, &c.,
authorized to
ratify certain
discharges.

And the curator and the said substitutes are also authorized to ratify all discharges which have already been granted, either in virtue of judicial authorization or otherwise, and to receive from the said purchasers and occupants of immovables or their representatives, all sums of money being the price of sale or balance of the price of sale of the same lots due to the said substitution directly or in virtue of the deed of transfer and abandonment to intervene, as hereinabove provided; and on the receipt of all sums on account of or in full payment of the price of such sales, to sign good and valid discharges both for capital and interest in favor of the persons who shall be entitled thereto.

Effect of pay-
ment.

And it is enacted that every payment so made shall relieve every purchaser and holder of the said lots, or their representatives from any claim for the re-payment of the said sums or of any others which may apparently

be due by the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère, personally, to the said substitution as having been the *auteurs* of the occupants of some of the lots above described.

And such power to confirm the titles and discharges and to grant discharges shall be exercised in favor of all purchasers, holders of immovables or their representatives, whose lots may have been exchanged, or the dimensions of whose lots may have been increased or decreased upon payment of the sums due in virtue of deeds giving them the actual possession of their lots.

2. The curator is authorized to grant to the said Robert Felix Antoine Bruyère and Jean Ernest Alexandre Bruyère a discharge for all vendors' privileges, (*bailleur de fonds*), which they may still appear to owe to the said substitution, both upon some of the lots above described and upon those hereinafter described, on condition that they shall transfer and abandon to the said substitution, which shall be represented in the deed to be passed by the curator to the said substitution, the lots hereinafter described, which are situate in Saint Louis Ward, of the city of Montreal, and are now designated on the official plan and book of reference of the official subdivisions of the said Saint Lawrence Ward of the city of Montreal under the following numbers, to wit:

Numbers five hundred and eighty-eight; three, four, five and six of the subdivisions of number six hundred and fifty-two; two, three, four, five, six of the subdivisions of number seven hundred and fifty; six and seven of the subdivisions of number seven hundred and fifty-five; A, B, and C of the subdivisions of number seven hundred and sixty-six; the north-west part of subdivision number one of the number six hundred and fifty-one, and one and two of the subdivisions of number seven hundred and eighty.

3. When the said substitution shall again have obtained the ownership of the lots lastly described, the said lots, as well as the others belonging to the substitution mentioned in the said authorization to sell, and which could not be sold at that time owing to the absence of purchasers, which are at present designated on the said plan and book of reference of the official subdivisions under the numbers, one, two, three, four, six, seven, eight, nine and ten of the subdivisions of the official number seven hundred and fifty-four, of Saint Louis Ward, of the city of Montreal, may be sold by the curator and by the said institutes, in the manner and with the formalities indicated in the Civil

Code and Code of Civil Procedure for the sale of immovable property belonging to minors or other persons legally incapable.

Application
and investment
of proceeds.

4. The moneys derived from the vendors' privileged claims (*baillleurs de fonds*) aforesaid and those arising from the sale which shall be made of the property mentioned in the preceding section, or of any part thereof, may be left in the hands of the purchaser or purchasers with the security of the vendor's privilege (*baillleur de fonds*) and any other additional necessary hypothec, or they may be loaned on hypothec with interest, or may be employed in acquiring immovables which may yield a profitable revenue for the benefit of the said substitution, or may be invested in accordance with the provisions of the Act of the Legislature of Quebec, 33 Victoria, chapter 19, which investments shall in all cases be subject to the rights of the institutes in and to the said substituted property.

Coming into
force.

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

C A P . L X X X I V .

An Act to authorize Tancred Rodolphe Barbeau to sell certain substituted immovable property.

[Assented to 9th May, 1885.]

Preamble.

WHEREAS Tancred Rodolphe Barbeau, merchant of the city of Montreal, has, by his petition, represented that, in virtue of the will of the late François Barbeau, Esquire, merchant, in his lifetime of the village of the parish of Sainte Geneviève, in the county of Jacques Cartier, in the district of Montreal, made in the said parish of Ste. Geneviève, on the twentieth day of June, 1864, before J. Filiatrault, notary, and two witnesses, and of a certain codicil made by the said testator, before the same notary and two witnesses, at the same place, on the 26th January, 1865, he is at present proprietor and in possession, as institute in a substitution in favor of his children, of a certain immovable described as follows in the said will :

“ A lot of land, situate in the said parish of Sainte-Geneviève, containing three arpents in front by thirty arpents in depth, the whole more or less, bounded in front by the river des Prairies, in rear by Jérémie Daoust, on one side, to the north-east, by François-Hyacinthe Brunet, Esquire, and on the other side by Jean-Baptiste Neveux, with a