

Sale of property authorized.

1. The St. Patrick's Orphan Asylum of Montreal and the Sisters of Charity of the Providence Asylum, Montreal, are authorized to sell the immoveable above described, at such price and upon such conditions as they may deem proper, and the contract, which shall be passed in connection with such sale, shall be valid to all intents and purposes, but the said vendors shall give to the purchaser a guarantee or hypothecary security, to the amount of their respective shares in the proceeds of the said sale, that they will continue to fulfil the obligations imposed upon them by the aforesaid will.

Act in force.

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

CAP. XLVIII.

An Act to confirm the ownership and authorize the sale of certain lands belonging to the *fabrique* of the parish of St. Polycarpe.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS the Reverend J. O. Remillard, rector and J. B. Bourbonnais, François Taillefer and Antoine Lantier, churwardens of *l'œuvre et fabrique* of the parish of St. Polycarpe, have by their petition set forth :

That by a deed of gift bearing date the twentieth of October, one thousand eight hundred and seventy one, before F. O. Ranger, notary, the Reverend Flavien Cholet gave to *l'œuvre et fabrique* of the parish of St. Polycarpe, thereof accepting by a person duly authorized to that effect, a lot of land described as follows, to wit :

"A lot of land, situated to the north of the Rivière à Delisle, in the said parish of St. Polycarpe, in the seigniory of Nouvelle Longueuil, and forming part of the land of the said donor, designated as No. 57, containing forty five feet in front by one hundred and thirty five in depth, exact measurement, bounded in front by the Queen's highway, in rear by the land of the said donor, adjoining on one side to Jean Baptiste Théophile Dorion, esquire, and on the other side to the land of Sieur Joseph Daoust, with two houses adjacent to each other, kitchen and other buildings thereon erected; both the above described houses being now occupied by the Reverend Sisters of Ste. Anne; there is also included in the said deed of gift, and accepted by the donee acting as aforesaid, the lot of land which lies between the said Queen's highway and the said Rivière à Delisle, opposite the land above described, adjoining on one side to the said

Jean Baptiste Théophile Dorion and on the other to Sieur Joseph Daoust.

“ The said *fabrique* of St. Polycarpe, represented as aforesaid, to have and to hold, use, enjoy and dispose of the said lot of land and dependencies in full ownership, such enjoyment being already commenced and to continue forever.

“ It is understood that the said convent may, with the permission of the bishop and the consent of the rector, sell the lot of land above described, the revenues therefrom to be always applied to the same object, that is the education of girls.

“ And in fulfilment of the above, the said donor transfers to the *fabrique*, represented as aforesaid, all rights of ownership generally whatsoever which he may have, demand or claim to have in or upon the lot of land above made over, of which he gives full seizin and possession to the *fabrique*, represented as aforesaid.”

That the said lot of land is now designated under the number 610 of the official cadastre of the said parish.

That further, by will received by Maître L. A. Gladu, notary and witnesses, on the ninth day of January, one thousand eight hundred and seventy-two, the said Reverend Flavien Cholet disposed amongst other things as follows :

“ I give and bequeath to Dr. Firmin Hudon and his wife, Dame Flavie Cholet, my brother-in-law and sister, who reside with me, the enjoyment and usufruct of all my moveable and immoveable property, claims, shares and rights in and to moveable and immoveable property and other things generally whatsoever, which I may leave and which may belong to me at the time of my death, whatever may be the quantity and quality of which the same may consist and be worth and in whatever place the same may be due and situated; for my said brother-in-law and sister to enjoy and use during their life-time respectively, only; of all which I leave them only the enjoyment, constituting them for that purpose my usufructuary legatees.

“ In order to aid the establishment and maintenance of an educational institution for young girls kept by nuns, subject to the approval of the Roman Catholic Bishop of the Diocese, the support of such nuns and the rewarding of the pupils of this parish, both day pupils and boarders, irrespectively, and the education of the pupils at the discretion of the lady directress or the local superioress, according to the rules of her community, I do, in the event of my death and after that of my brother-in-law and sister, give and bequeath to the *fabrique* of such parish, the following immoveable, to wit :

"A farm situate and being on the north side of the Rivière à Delisle, in the parish of St. Polycarpe, designated as lot number fifty-seven, containing forty-two arpents in length, more or less, by three arpents in width, also more or less, bounded in front by the said Rivière à Delisle, in rear by the line dividing the seigniory of Nouvelle Longueuil from the township of Newton, on the one side by Joseph Roby and the *fabrique* property, and on the other by Donald McIntosh or his representatives, with a brick house and other dependencies thereon erected, and also all furniture, provisions, animals and agricultural implements belonging to me which may be then upon the said farm; the lots, already sold and detached from such farm are however excepted.

"The said *fabrique* to enjoy, use or dispose of all herein above bequeathed to it, as its own property and as to it belonging in virtue of these presents, as it may deem proper, for the above purposes and not otherwise; on condition however that the said nuns, for the *fabrique*, shall bury the survivor," &c.

That the said land is now designated under numbers 603 and 604 of the official cadastre of the parish of St. Polycarpe.

That by codicil bearing date the twenty-third day of March one thousand eight hundred and seventy-two, before the same notary and witnesses, the said Reverend Flavien Cholet disposed, amongst other things, as follows, to wit:

"1. I hereby revoke and cancel the universal legacy made by me of the enjoyment and usufruct of my property to Dr. Firmin Hudon and his wife Dame Flavie Cholet to enjoy the same during their respective lives;

"2. I give and bequeath to the said Dame Flavie Cholet, my sister, the enjoyment and usufruct of all my property as in the will above set forth, for her to enjoy and make use of the same during her life, jointly with Dr. Hudon, her husband, according to circumstances;

"3. In the event of my sister's death,...I beg my testamentary executors,...to give and constitute to Dr. Firmin Hudon, my brother-in-law, a life-rent proportioned to the property I may leave, on condition that the said Doctor Firmin Hudon removes that which belongs to him, and also his bed-room.

"4. In the event of my death, the life-rent above mentioned shall lapse, and I give to my said brother-in-law, during his life time, the enjoyment and usufruct of the lot which I own in the township of Newton, described in the said will."

That the said Reverend Flavien Cholet is now deceased, and doubts may arise as to the interpretation of these various acts and dispositions;

That the lot of land, hereinabove lastly described and designated under the numbers 603 and 604 of the official cadastre of the parish of St. Polycarpe, is now crossed by the line of the "Canada Atlantic Railway Company," which has built a railway station upon the said lot ;

That a road has been opened leading from the said station to the main road ;

That, owing to the opening of the said railway and the said road, it is advisable that the said land be sold, either in one or in several lots ;

Whereas for the reasons above mentioned, the petitioners have prayed the Legislature to remove the doubts which may exist as to their right of ownership, and to authorize them to sell the said land, 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 :

1. The rector and churchwardens of *l'œuvre et fabrique* of the parish of St. Polycarpe are hereby declared to be the owners of the lots of land above designated under the numbers 610, 603 and 604 on the official plan and book of reference of the cadastre of the said parish of St. Polycarpe. Certain persons declared owners of property above mentioned.

2. They have and shall have the right to sell or make over to whomsoever they may think proper, and upon such conditions and for such price as they may determine, all the said land or any part thereof and receive the price of the same ; provided however that no deeds to be passed, affecting such lots Nos. 603 and 604 be so passed, without the consent of the said Dr. Firmin Hudon and Dame Flavie Cholet, his wife, the usufructuaries of the said lots, and that the proceeds of such sale or cession do remain in the hands of the said rector and churchwardens of the said parish of St. Polycarpe, to be by them applied in accordance with the provisions of the three deeds above cited. Power to sell, &c., such property. Proviso. Investment of proceeds.

3. No cession or sale shall be made until resolutions to that effect shall have been passed by the said rector and the churchwardens in office for the time being ; and the senior churchwarden and the rector, then administering the said parish of St. Polycarpe, are authorized to sign all deeds which may affect such lots. Previous proceedings required.

4. The road now opened and leading from the main road to the said railway station, is declared to be a municipal road. Road declared to be a municipal road.

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