

C A P . X C I V .

An Act to authorize the sale of part of the immoveable property substituted by the will of the late Dame Ann Jones, widow of Henry Corse.

[Assented to 5th April, 1869.]

Preamble.

WHEREAS it has been represented by petition that the late Dame Ann Jones, widow of the late Henry Corse, in their lifetime of the city of Montreal, was the owner of two lots of land situate in the said city, and lying, the one between Great St. James Street and Fortification Lane, and the other between the said lane and Craig Street, opposite one another, on which the buildings known as "The St. Lawrence Hall" are erected; and that the said buildings were constructed to form one establishment to be used and occupied as an hotel, and are connected together by a permanent covered passage, built over the said lane under the authority of an act of the parliament of the late Province of Canada; and that by her will received by Mtre. James Smith and his colleague, notaries, on the eighteenth day of November, one thousand eight hundred and fifty-nine, she bequeathed the portion lying between Fortification Lane and Craig Street in full and absolute ownership to Frederick Penn, now of Rhyl, in the county of Flint, in Wales, and the other portion thereof, with the residue of her estate, to the said Frederick Penn and to his wife Dame Marie Pamela Anne Charland dite Corse, jointly, with substitution, firstly in favor of their daughter Dame Ann Corse Penn, wife separate as to property of John Ignatius Purcell Williams, and afterwards in favor of her children; and that the said Frederick Penn has determined to sell his portion of the said immoveable property in order to pay the hypothecs existing thereon, and realize the net value of his property; and that neither portion of the said property would afford alone suitable accommodation for a first-class hotel, and its aggregate value, if divided, would be much less than its value as one establishment; and that it would therefore be more advantageous to sell the whole establishment instead of dividing it; and that all parties now interested in the said property are willing to sell the whole thereof, and that the petitionners, viz: the said Dame Anne Corse Penn, and the said Frederick Penn, in his capacity of curator to the substitution created by the said will, pray for an act to authorize and legalize the sale of the substituted portion thereof; and whereas it is just and reasonable that their prayer should be granted, subject to the

various preliminary conditions hereinafter specified for the protection of the substitutes ; Therefore, Her Majesty by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said substitute Dame Anne Corse Penn, the tutor to Ann Corse Purcell Williams the minor female and only child issue of her marriage with the said John Ignatius Purcell Williams, for her property in the district of Montreal, and the curator to the substitution created by the will of the said late Dame Ann Jones, are authorized and empowered in their discretion, and at such time as they may judge advisable, to join in their said capacities with the said Frederick Penn and his wife the said Dame Mary-Pamelia-Anne Charland dite Corse, in effecting and making a sale, either by public auction or private sale, but upon the conditions hereinafter mentioned, of the property known as " The St. Lawrence Hall, " situate in the said city of Montreal, and more fully described as follows, to wit :—

Power to sell the St.-Lawrence Hall property.

Firstly.—" A lot of land situate in the city of Montreal, containing sixty feet in front by from ninety-seven feet to one hundred feet in depth, and bounded in front by Great St. James Street, in rear by Fortification Lane, on the north-east side by the Montreal Fire, Life and Inland Navigation Assurance Company, and on the south-west side by Moses Eleazar David, with the building or hotel known as *The St. Lawrence Hall* thereon erected.

Description of the property.

Secondly.—" A lot of land situate in the said city of Montreal, bounded in front by Craig street, in rear by Fortification Lane, on the north-east side by the property of Dr. Pierre Beaubien, and on the south-west side by the continuation of St. Philippe, now called St. George street, and containing one hundred and thirty-four feet in front on Craig street, and one hundred and thirty-six feet and ten inches in rear on Fortification Lane, by the depth there may be between the said street and lane, with the building known as *The Addition to the St. Lawrence Hall* thereon erected, "—and of which the portion firstly described is that substituted under the will of the said late Dame Ann Jones, and to sign and execute a deed of sale therefor ; and such sale shall be indissolvable by reason of the said substitution and be final, and shall vest the purchaser with the full and absolute ownership of the said substituted property.

2. Such sale must be preceded by the nomination by a judge of the superior court in the district of Montreal, upon the petition of the said Dame Anne Corse Penn and the said tutor and curator, of two experts, who, after being sworn before the judge or prothonotary, shall ascertain and report by notarial act, delivered in original form, the

Preliminary valuation.

value of the said property ; and the judge, as to him may seem right, may homologate or reject their report.

Property not to be sold for less than value.

3. The said property must be sold for a price not less than the value ascertained by the experts, and mentioned in a report which has been homologated within three months before the sale ; and two-fifths of the price, being its relative proportion, shall represent the substituted portion thereof.

Portion of price to remain upon the property until the opening of the substitution.

4. The said proportion of the price shall be left upon the property, secured by the vendor's privilege and an insurance against fire for one half thereon, until the opening of the substitution, to be then paid to the substitutes or persons entitled thereto, upon interest at not less than six per cent, payable quarterly to the institutes until the opening of the substitution, and thereafter to the parties entitled to receive the capital until its payment ; or with the approval of a judge of the superior court, granted upon the petition of the substitutes and curator, it shall be collected by the institutes, substitutes and curator jointly, and invested in the name of the substitution. Provided that nothing in this act contained shall be construed to affect in any way the rights of persons having hypothecs on the said property.

Or may be paid by instalments and invested immediately.

5. The said proportion of the price may be stipulated payable by instalments ; but in such case it shall not be lawful for the said institutes, substitutes and curator to receive, nor for the purchaser to pay the said instalments, until after an investment has been found, and has been approved of by a judge of the superior court.

Mode of investment.

6. The investment of the said proportion of the price must be made in permanent stock of the city of Montreal ; in permanent stock of the Dominion of Canada ; or in permanent stock of this province.

Purchaser not liable for misappropriation of price.

7. The acquittances and discharges given by the said institutes, substitutes and curator after the approval by a judge as aforesaid of the investments to be made, shall be good and valid ; and the purchaser shall not be bound to see to the investments, nor be responsible for any misappropriation of the money.

Tutors may act.

8. The tutors to minor substitutes may act validly for their respective minors in all cases where substitutes are authorized to act by this act.