

C A P . X C V .

An Act to quiet the title of John Platt to certain real estate possessed by him under the will of the late John Platt.

[Assented to 5th April 1869.]

WHEREAS John Platt, of the city of Montreal, esquire, Preamble. advocate, has, by his petition, represented :

That he is possessed of certain real estate in Montreal, under the will of his grandfather the late John Platt, executed on the thirtieth day of December, eighteen hundred and seven, and admitted to probate the thirty-first day of January, eighteen hundred and eleven ;

That the eighth clause of said will is as follows : " I do give, devise and bequeath all my said estate and farm at the said côte à Barron, at the head of the St. Lawrence suburb of the city of Montreal aforesaid (on part of which there is a constitute payable to the nuns of the Hôtel-Dieu, of twelve pounds ten shillings, to be paid by the holder of the estate), with all the houses, out-houses and buildings whatsoever thereon erected, together with the improvements thereon, and all the appurtenances thereunto belonging unto my said wife Ann Wragg from and immediately after my decease for and during her natural life, without impeachment of waste, and from and immediately after her decease, or if she shall die before me, then I give and devise the same to my said son George Platt, without impeachment of waste, for and during his natural life ; and immediately from and after the decease of the said George Platt, or if he and my said wife shall both die before me, to the eldest son of the body of the said George Platt, lawfully begotten or to be begotten, and the heirs of the body of such eldest son lawfully issuing, and in default of such issue to the second, third, fourth, and all and every other son and sons of the body of the said George Platt, severally, successively, and in remainder, one after another, in order and course as they respectively shall be in priority of birth, and the several and respective heirs of the body and bodies of all and every such son and sons lawfully issuing, every elder of such son and the heirs of his body issuing, being always preferred, and to take before a younger of them, and the heirs of his body issuing, and in default of such male issue, to the first, second, third, fourth and all and every other daughter and daughters of the said George Platt, lawfully begotten or to be begotten, severally, successively and in remainder, one after another, in order and course as they respectively shall be in priority of birth,

Preamble.

and to the several and respective heirs of the body and bodies of all and every such daughter and daughters lawfully issuing, every elder of such daughters, and the heirs of her body issuing being always preferred and to take before a younger of them and the heirs of her body issuing; and in default of such issue male and female, I do then hereby give and devise the same to Elizabeth Mittleberger, wife of the said George Platt, for and during the term of her natural life only, with remainder to my own right heirs forever ;”

That in virtue of this bequest, he, the said John Platt, at the death of his grand-mother Ann Wragg, viz: on the sixteenth day of July, eighteen hundred and forty-one, became seized and possessed, as absolute proprietor, of the property therein mentioned ;

That, nevertheless, the peculiar wording of the said clause has given rise to doubts in the minds of some persons, whether a substitution was not thereby created in favor of his, the said John Platt's children, and in default of children, of his brothers and sisters, and rumors prejudicial to the said John Platt's title have in consequence at one time been circulated ;

That to remove these doubts, he, the said John Platt brought an action in the year eighteen hundred and fifty-eight, which resulted in a judgment rendered by the court of queen's bench, appeal side, sitting at Montreal, bearing date the third day of september, eighteen hundred and fifty-eight, affirming the absolute and unconditional nature of the bequest in favor of the said John Platt, and in consequence, the perfect character of his title ;

That as it was objected to this judgement that it was not against parties really interested, to wit, the several members of his family, he, the said John Platt subsequently brought an action against said parties, and judgment has been rendered against them in his favor ;

That notwithstanding these judgments the said John Platt is still unable to sell his property except to speculators and at a ruinous sacrifice, purchasers of building lots being unwilling to erect buildings upon property about the title to which there had been so much discussion ; that it is quite as much in the interest of his grandchildren as for himself, that the said petitioner asks this relief, and he is therefore willing to invest a portion of the proceeds of said property to be held in trust for his grandchildren after his death ;

That the arrears of city taxes, which he, the said John Platt, has no means of paying, have now reached six thousand dollars, and his property is exposed to be sold at any moment therefor ;

That he, the said John Platt, is entitled to such relief as

shall remove the effects of the doubts which heretofore Preamble.
have existed as aforesaid as to his title to the property in
question ;

And whereas the said John Platt has, by his said petition, prayed for the passing of a bill declaring that he, at the death of his grandmother Ann Wragg, became seized and possessed of the said property mentioned in the said eighth clause of the said will, as sole and absolute proprietor, without any limitation, charge, *fideicommis* or substitution whatsoever ;

And whereas it is expedient to grant the prayer of the said John Platt ;

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

1. The said John Platt is hereby declared to have, at John Platt declared owner of certain property.
the death of the said Ann Wragg, become seized and possessed of the said property mentioned in the said eighth clause of the said will, as sole and absolute proprietor, without any limitation, charge, *fideicommis* or substitution whatsoever.

2. That nevertheless, the said John Platt, out of the proceeds of the sales of the said property after paying all debts legally due thereon, shall invest the sum of twenty thousand dollars in dominion stock interest for the benefit of the said John Platt's grandchildren, to be divided share and share alike between them and their heirs and representatives after the death of the said John Platt, who shall during his lifetime receive the interest thereon to his own use and benefit. His grand children to be secured to the extent of \$20,000.

3. That for the purposes of the said trust the tutor and tutrix of said children respectively shall be charged with the duty of watching the interests of said children in so far as the said trust is concerned. Duty of tutors of children.

4. The purchasers of said property or any part thereof shall in no manner be held liable for the appropriation of the proceeds. Purchaser not liable for misappropriation of price.

C A P . X C V I .

An act to authorize Olivier Robitaille to alienate certain real estate belonging to Marie Eléonore Isabella Macdonald, his ward, as usufructuary.

[Assented to 5th April, 1869.]

WHEREAS, Olivier Robitaille, of the city of Quebec, Preamble.
esquire, physician, has by his petition represented that the late Angus Macdonald, in his lifetime of the parish of Becancour, gentleman, by his last will, and

