

C. P. Davidson, D.C.
S. A. Mack.
J. Cross.

182, St. James Street.

Montreal, 8th July 1882.

Dear Sir

Our Mr. Davidson much regrets that illness in his family prevented his attendance at yesterday's meeting of the Profalgar Institute.

It may be well to remove a misconception which seems to exist with reference to the steps taken in the past for the protection and defence of the Institutes rights.

The real Estate of the succession is valued in the City Books at from fifty to sixty thousand dollars. The moveable assets are more than enough to pay all debts, present or contingent. The Institute ought to receive from fifteen to twenty thousand dollars. The Testatrices were not in trade and had no known liabilities. Only one legacy limited the full rights of heirship given to the Institute, and even this was qualified to the following extent.

"and my further wish is that should there
"not be sufficient funds in the Bank, or at the
"disposal of my residuary legatee to pay the bequest
"of \$2000 to my niece Dame Catherine Anne Scott
"wife of Wm Sumner Scott, as provided in and by
"my said will, that such deficiency be paid her
"from and out of the revenues of said real Estate
without

"without interest".

The Giffen claim was never heard of until lately.

Under such circumstances, to have involved the Institute in the necessary legal proceedings to obtain and fulfil the requirements of a "benefit of Inventory" would have been a most unusual proceeding - giving of security, account making, public notices, and other formalities would have resulted - such a course is only adopted when the solvency of an estate may be doubted - a surplus, in the present instance, was beyond doubt - at the time of the institution of the Mrs Scott action, the Institute had, in our opinion, accepted the succession, and so could not, or if this ^{view} be correct, can it now convert its possession of the estate, into a trusteeship -

The defence to the action referred to seemed a strong one - if the judgment had passed in our favor, we believe it might have been defeated in appeal - we are not prepared to speak as strongly of the possibility of its reversal - efforts are being made to secure a payment from the executors, and with some hope of success, we will give you early information of the result of our efforts in this direction -

We may add that there ought to be an early conclusion

conclusion of the litigation between the
University and the heirs, and a division of
the estate would be one of the immediate
results.

We are
Your obed^t Serv^t

Davidson & Cross.

To Mr. Principal Dawson
+ John Hope
+ Alexander Mitchell Esqrs
Scott Estate Committee.

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P. P. ...
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Montreal, 4th July 1852

Dear Sir

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... meeting of the ...
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... rights -

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... about -

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Yours
J. ...

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