



CHAPTER 167

An Act respecting a donation by Hubert Morin to Alice Morin

[Assented to, the 15th of March, 1933]

WHEREAS Dame Alice Morin, of the city and district of Montreal, widow of Rémi Décary, in his lifetime commercial traveller, of the same place, in his capacity of institute, under a deed of donation made before Jos. A. Brunet, notary, on the 14th of September, 1918, by her father Hubert Morin, to herself; Benjamin Décary, of the city and district of Montreal, acting in his capacity of curator to the said substitution, and Suzanne Décary, widow of Charles Emile Lalonde, Maurice Décary, roofer, Oscar Décary, fireman, all three of the city and district of Montreal, and the said Dame Alice Morin, acting in her capacity of tutrix to Madeleine Décary and Florence Décary, minors, the said Suzanne Décary, Maurice Décary, Oscar Décary, Madeleine Décary and Florence Décary, being the substitutes in the said substitution, have, by their petition, represented:

That, by deed of donation, made and passed before Jos. A. Brunet, notary, on the 14th of September, 1918, the late Hubert Morin, made to his daughter, the said Dame Alice Morin, duly authorized and accepting, a donation *inter vivos* and irrevocable of the hereunder described immoveables:

Three contiguous building lots situated in Ste. Cunégonde ward, in the city of Montreal, bearing Nos. 56, 57 and 58 of the subdivision of No. 386, of the official plan and book of reference of the municipality of the parish of Montreal, in the county of Hochelaga, containing each, twenty-two feet and six inches in width, by eighty feet in depth, the whole more or less, English measure, bounded in front, on the northwest by Coursol street; in

rear by a lane twenty feet wide, being No. 41 of the said subdivision; on the northeast side by lot No. 55, and on the southwest side by lot No. 59, of the said subdivision, with the right of passage in common with others in the said lane, with all the buildings thereon erected;

A building lot or lot of land, situated on Calumet street, in Ste. Cunégonde ward, in the city of Montreal, known and described as being No. 170 of the official subdivision of the lot of land bearing No. 386 of the official plan and book of reference of the cadastre of the municipality of the parish of Montreal, containing twenty-four feet in width in front, and in rear by 106 feet in depth, English measure, and more or less, with the right of passage in common with those entitled thereto in the lanes, known under Nos. 172 and 164 of the said official subdivision, but without any right to encumber the said lanes, or any of them, and with dependencies thereto belonging, with a house and other buildings thereon erected, and mitoyen right in the division wall, built on the division line between said lot 170 and lot No. 169 of the said subdivision, as well as in the land on which the wall is built;

That such donation was made to the said Dame Alice Morin, as institute, and to her children as substitutes in the said substitution, the partition not to be made before the youngest of the substitutes has reached the age of majority;

That the deed of donation stipulates, amongst other things, that neither the institute nor the substitutes shall have the right to hypothecate the immoveables given, and that the fruits, revenues and rents shall be unassignable and unseizable, during the lifetime of the institute;

That the said donation has been accepted by the donee;

That the said deed of donation has been duly registered in the registry office of Hochelaga and Jacques-Cartier on the 21st day of September, 1918, under No. 365875;

That the said Benjamin Décary was appointed curator to the said substitution created in favour of the children;

That the immoveables given consisted of old lodgings, which had to be and must be maintained in good repair, and that, in order to do so, the petitioner, Dame Alice Morin, has been forced to go into debt;

That the immoveables, in the state in which they were, did not yield sufficient revenue to permit the institute to pay the taxes thereon, for the years 1929, 1930, 1931 and 1932, which are still due and payable;

That unless she be permitted to borrow a sum not exceeding eight thousand dollars, the petitioner is exposed to suits and other proceedings;

That the substitutes who are of age have given their consent to the present prayer for permission for an hypothecarily guaranteed loan;

That the family council, at the time of the appointment of the curator to the substitution, the 31st day of January, 1933, approved the present proposed enactment; and

Whereas the petitioner has proved the allegations of her petition, and it is expedient to grant her prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Notwithstanding any clauses to the contrary contained in the donation made by Hubert Morin, by deed before J. A. Brunet, notary, on the 14th of September, 1918, and registered in the registry division of Hochelaga and Jacques-Cartier, on the 21st of September, 1918, under the No. 365875, the institute, Dame Alice Morin, is hereby authorized, with the approval of a judge of the Superior Court of the district of Montreal on petition to that effect, to borrow a sum of eight thousand dollars, at a rate of interest not exceeding seven per cent, and to hypothecate the above described immoveables to guarantee the repayment of the said loan, provided that the substitutes of age, and the curator to the substitution, at the time of the passing of such deed, be parties thereto, and consent to such loan, but the whole without the intervention or assistance of any of the other heirs or representatives of the donor, the said late Hubert Morin, whose consent shall not be required, notwithstanding any clauses of the said deed of donation. Institute authorized to contract loan.

2. The fact that the institute in the substitution has not paid the municipal and school taxes, and other real estate imposts, imposed and assessed on the said immoveables, a year after such taxes and other real estate imposts fell due, has not rendered the said donation null and will not render it null in the future. Donation not affected by lack of certain payments.

3. The expenses incurred for the passing of this act shall be charged to the said substitution, and the institute, Dame Alice Morin, shall be entitled to deduct immediately from the capital borrowed the sum necessary to pay the same. Cost of act.

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