



## CHAPTER 146

An Act to validate a lease by the substitution late Marie Joseph Armand Auguste Larocque

[Assented to, the 15th of March, 1928]

**W**HEREAS Dame Marie Henriette Eugénie Starnes, Preamble. of the city of Brussels, Belgium, widow of the late Marie Joseph Armand Auguste Larocque, in his lifetime of the city and district of Montreal, gentleman; Dame Pauline Larocque, wife of Baron Stanislas d'Halewyn, of Brussels, aforesaid, secretary of embassy, authorized by her husband; Dame Berthe Larocque, of the city and district of Montreal, presently residing in Brussels, Belgium, widow of the late Basil Hingston, in his lifetime of the same place, broker, and Pierre Beullac, of the same place, advocate and King's Counsel, respectively the institute, substitutes and curator to the substitution created by the marriage contract hereinafter set forth, have by their petition represented that under the terms of his marriage contract with the said Dame Marie Henriette Eugénie Starnes made before C. F. Papineau, notary public, at Montreal, on the 17th of September, 1879, the said late Marie Joseph Armand Auguste Larocque donated to said Dame Marie Henriette Eugénie Starnes, among other property, that certain emplacement situated in the west ward of the city of Montreal, being lot No. 183 on the official plan and book of reference of said ward, with substitution in favour of his children and descendants to be born;

That the said late Marie Joseph Armand Auguste Larocque died at Montreal on the 23rd day of October, 1894, leaving as surviving him, his widow, the said Dame Marie Henriette Eugénie Starnes, and two children born of his marriage with the said Dame Marie Henriette Eugénie Starnes, to wit: Pauline and Berthe, said Pauline now wife of Baron Stanislas d'Halewyn of Brussels, Belgium,

and Berthe now widow of the late Basil Hingston, in his lifetime of the city and district of Montreal, broker;

That the above-mentioned property although very valuable on account of its location on St. James street, in the city of Montreal, has not for some time been productive of adequate revenue due to the fact that the buildings thereon are out of date and require extensive alterations and repairs;

That the petitioners have found a tenant, to wit: Macy's Drug Stores Reg'd, willing to pay a more adequate rental and even to effect substantial alterations to the said building, which are to remain the property of the substitution, provided the said tenant be granted a lease for fifteen years and be secured in the legal and valid possession of the property during the whole term of the lease;

That seeing that said substitution is in favour of the children and descendants of the donor, a question has arisen whether in the event of the present substitutes, namely: Dame Stanislas d'Halewyn and Dame Berthe Hingston, predeceasing the institute, the children of said present substitutes might refuse the succession of their mother and coming to the substitution directly and in their own right might consider themselves free to repudiate the said lease;

Whereas the said lease is in the interest of the substitution and has the approval of the curator to the substitution as evidenced by the appearance and consent of said curator in the deed of lease;

And whereas it is expedient to grant the prayer contained in the said petition;

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

Deed ratified and declared to be binding for the whole term thereof upon all persons called to substitution.

1. The lease entered into between Dame Marie Henriette Eugénie Starnes, of the city of Brussels, Belgium, widow of the late Marie Joseph Armand Auguste Larocque, in his lifetime of the city and district of Montreal, gentleman; Dame Pauline Larocque, wife of Baron Stanislas d'Halewyn of Brussels aforesaid, secretary of embassy, authorized by her husband, and Dame Berthe Larocque, of the city and district of Montreal, presently residing in the city of Brussels, Belgium, widow of the late Basil Hingston, in his lifetime of the city and district of Montreal, broker, and Pierre Beullac, of the same place, advocate and King's Counsel, respectively the institute, substitutes and curator to the substitution created by the marriage between the said Marie Henriette Eugénie

Starnes and her said late husband, as lessors, and Macy's Drug Stores Reg'd, as lessees, executed before Maitre E. Cholette, Notary Public, on the 20th of December, 1927, under the number 26388 of his minutes, of that certain immoveable known and designated as an emplacement situated in the west ward, in the city of Montreal, being lot No. 183 on the official plan and book of reference of said ward, is hereby ratified and declared to be binding for the whole term thereof upon all persons who may be called to the said substitution, including the final substitutes, provided, however, that the lessees shall fulfill their obligations under said lease. Proviso.

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