



CHAPTER 136

An Act respecting the estate of Joseph Gareau

[Assented to, the 1st of April, 1927]

WHEREAS Alexandre Gareau, Hervé Gareau, Hector Gareau, Emile Gareau, Arthur Gareau, and Jeanne Gareau, wife separate as to property of Philéas Rolland, and the latter as curator to the substitution, have, by their petition, represented as follows:

That they are the children born of the marriage of the late Joseph Gareau, in his lifetime merchant, of the city of Montreal, and of the late Elmina Lamarche, his wife;

That by the act 14 George V, chapter 145, section 1, for the reasons mentioned in the preamble to said act, it was declared that all of the properties composing the estates of the late Joseph Gareau and of Dame Elmina Lamarche, his wife, are the absolute property of the petitioners, with the exception of the immoveable property bearing the number 394 on the official plan and book of reference of St. Mary's Ward, in the city of Montreal, which was declared to be substituted in favour of the children of the said petitioners;

That in the preamble of said act it was mentioned that the said Dame Elmina Lamarche had advanced the sum of seven thousand dollars to her son Arthur, eight thousand dollars to her son Emile, four thousand dollars to her son Alexandre, and four thousand dollars to her son Hector, to aid them respectively in establishing themselves, according to her husband's wish;

That, as elsewhere in the preamble of said act set forth, the said Alexandre Gareau, in his capacity of testamentary executor of the estate of the said Dame Elmina Lamarche, continued to administer and to sell the property left upon the death of the latter and which might form part of the two estates, as if such property had belonged to himself and to his brothers and sister;

That it was further set forth in the said preamble that the intention of the late Joseph Gareau, as expressed by his will, was to permit the alienation, even altogether, of the property of the estate, if it was necessary to do so in order to aid in the establishment of his children, and it was with that object that the said properties bequeathed were so administered and alienated;

That the said Alexandre Gareau continued, after the death of the said Dame Elmina Lamarche, to make advances to his brothers and sister, out of the properties of the said estates, in order to continue what the said Dame Elmina Lamarche had done, and that at the date of the passing of the said act, the said Emile Gareau had already received a total amount of thirteen thousand, five hundred and forty dollars, including the eight thousand dollars which he had received from his mother; the said Arthur Gareau had received a total sum of twelve thousand, six hundred and forty dollars, including the seven thousand dollars which he had received from his mother; the said Hector Gareau had received a total sum of nine thousand, five hundred and forty dollars, including the four thousand dollars which he had received from his mother; the said Alexandre Gareau had received a total sum of six thousand, seven hundred and forty dollars, including the four thousand dollars which he had received from his mother; and the said Hervé Gareau and Jeanne Gareau had received one thousand, nine hundred and forty dollars each;

That through an error the sums advanced after the death of the said Dame Elmina Lamarche were not mentioned in the preamble of the said act;

That the above sums were advanced for the establishing of the said petitioners and such advances were absolutely necessary;

That the properties of the said estates which have not been realized, with the exception of the said immoveable property No. 394, represent about seven thousand dollars in value;

That, since the passing of the said act, the said immoveable property No. 394 has been sold for the sum of thirty thousand dollars according to the formalities required by the said act, which sum is now invested for the benefit of the substitution, the said sale being set forth in a deed before Mtre. J. H. Courtois, notary, on the tenth day of July, 1924, under No. 784 of his repertory;

That the petitioners, especially those who have received most, are poor and unable to hand over to the others what would be necessary to place all on an equal footing;

That the petitioners desire that each receive an equal

share in the said estates; and that Alexandre Gareau be continued in his office for one year more;

That Philias Rolland, curator to the substitution, has given his consent to this act; and

Whereas it is expedient to grant the prayer of 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:

1. If, at the partition, the remaining non-substituted Balance re-
property be insufficient to pay to Arthur, Alexandre, ^{quired to} complete
Hervé, Hector and Jeanne Gareau an amount equal to that ^{certain}
already received by Emile Gareau, the balance required to amount ta-
complete such amount shall be taken out of the price of ^{ken out of}
sale of the immoveable property No. 394. The surplus ^{price of cer-}tain sale.
shall be equally divided among the six children.

2. Alexandre Gareau is continued in his office of testa- Testament-
mentary executor for one year more, with the same powers ^{ary executor}
as the ones conferred upon him by his mother's will. ^{continued in} office.

3. This act shall come into force on the day of its ^{Coming into} force.
sanction.