

## C H A P. 74

## An Act to amend the act respecting adoption

[Assented to, the 3rd of April, 1925]

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

14 Geo. V,  
c. 75, s. 1,  
replaced.  
Formalities,  
etc., for  
adoption.

**1.** Section 1 of the act 14 George V, chapter 75, is replaced by the following sections:

**"1.** No adoption may take place except in the cases and according to the formalities and conditions hereinafter provided.

Adoption  
permissible  
to certain  
consorts.

**"1a.** The adoption of a child of either sex shall be permissible only to those consorts, who are living together.

Id., to  
others.

Adoption is however permissible to a widower or a widow who is childless at the time of the adoption, or to an unmarried person, of the age of majority, provided that in both cases the adopted child is of the same sex as the adopter.

Proviso.

Age, etc. of  
adopter.

**"1b.** In the cases above provided, the adopter, who shall not be the husband, wife, brother, or sister of the adopted, must be at least twenty years older than the adopted and profess the same religious faith as that to which the latter belongs by baptism.

Petition for  
adoption.

**"1c.** The application for adoption shall be made by the adopter by means of a petition addressed to a judge of the Superior Court of the district in which he has his domicile.

Joining in  
petition.

If the husband or wife of the petitioner is still alive and legally capable of doing so, he or she shall join in the petition, and, in such case, after the adoption, the adopted child shall be considered to be the child of both.

Presenta-  
tion of pe-  
tition.

The petitioner who has no domicile in the Province must present his petition to the Superior Court of the domicile of the child whom he proposes to adopt.

Persons who  
may be  
adopted:

**"1d.** The following persons only, being minors of either sex, may be adopted:

Illegitimate  
children;

1. Illegitimate children, except in the case of their father or mother, or both, having actually undertaken the care, support and education of their child, or having declared in writing that they intend to undertake same;

Legitimate  
children;

2. Legitimate children, both fatherless and motherless, if no ascendants are caring for them;

Uncared-for  
children.

3. Children whose father and mother, or the surviving

parent, being incurably out of their mind, cannot take care of them, nor can any ascendant."

**2.** Section 3 of the said act is amended:

a. By replacing sub-paragraph *a* of paragraph 1 thereof by the following: 14 Geo. V,  
c. 75, s. 3,  
am.

"*a.* Of the child whose adoption is asked for, if he is ten years of age or over; but, if the child under fourteen years of age refuses to give his consent, the judge may, taking into account the child's state of intelligence and the special circumstances, grant the adoption notwithstanding such refusal;"

b. By repealing sub-paragraph *b* of paragraph 1 thereof;

c. By replacing sub-paragraph *d* of paragraph 1 thereof by the following sub-paragraphs:

"*d.* Of the father of the illegitimate child or, failing him, of the mother, if either is known;

"*e.* Of the institution in which the illegitimate child is in the event of the father and mother of such child being unknown.";

d. By repealing paragraph 3 thereof;

e. By replacing the words: "must be mentioned in the judgment and such entry", in the fourth and fifth lines of paragraph 4 thereof, by the words: "as well as the fact of his baptism, if he has been baptised, must be mentioned in the judgment and such entries".

**3.** Section 4 of the said act is amended by replacing the first five lines thereof by the following: 14 Geo. V,  
c. 75, s. 4,  
am.

"**4.** The consent of the persons mentioned in paragraphs *c* and *d* of section 3 shall not be required if the person who has to give it:" Consent not  
required.

**4.** Section 5 of the said act is amended by adding there- 14 Geo. V,  
c. 75, s. 5,  
am. to, after the first paragraph thereof, the following paragraph:

"Notice of the petition shall also be given to the institution in which the child is kept at the expense of the institution or of public charity." Notice of  
the petition.

**5.** Section 6 of the said act is amended by adding there- 14 Geo. V,  
c. 75, s. 6,  
am. to, after the word: "insufficient", in the fourth line thereof, the words: "or if a child under fourteen years of age is in question, then according to sub-paragraph *a* of paragraph 1 of section 3".

14 Geo. V,  
c. 75, s. 7,  
replaced.

Inquiry  
required.

**6.** Section 7 of the said act is replaced by the following:

**"7.** The judge shall, in every case, make a through inquiry into the moral qualities of the proposed adopting parents as well as into their fitness to properly bring up the child and to furnish him with a home, and if, after such inquiry, he is of the opinion that they have the qualifications necessary to fulfil the obligations and duties of a parent with regard to his child, and that the adoption would be of advantage to the latter, he shall order the adoption."

14 Geo. V,  
c. 75, s. 9a,  
added.

Application  
for second  
adoption.

**7.** The said act is amended by inserting therein, after section 9 thereof, the following section:

**"9a.** No application for a subsequent adoption may be received and granted until after the decease of the first adopting parents, saving the case of annulment pronounced on very grave grounds, according to section 12a."

14 Geo. V,  
c. 75, s. 10,  
am.

**8.** Section 10 of the said act is amended:

*a.* By adding thereto, after the word: "possessed", in the third line of sub-paragraph 1 thereof, the words: "under the civil law";

*b.* By replacing the word: "natural", in the same third line of the same sub-paragraph 1 thereof, by the word: "legal".

14 Geo. V,  
c. 72, s. 11  
am.

**9.** Section 11 of the said act is amended:

*a.* By adding, after the word: "parent", in the third line thereof, the words: "or any other name.";

*b.* By adding, after the word: "name", in the fourth line thereof, the words: "or to such other name mentioned in the judgment".

14 Geo. V,  
c. 75, ss. 12a,  
12b, added.

Annulment  
of adoption.

**10.** The said act is amended by inserting therein, after section 12 thereof, the following sections:

**"12a.** The annulment of the adoption may, if justified on very grave grounds, be pronounced by a judge of the Superior Court on the petition of the adopter or of the adopted.

Application  
for annul-  
ment.

**"12b.** The application for the annulment shall be made by means of a petition of the adopter or of the adopted, after notice to one or the other, as the case may be, or to any other person whom the judge shall designate."

14 Geo. V,  
c. 75, s. 15a,  
added.

**11.** The said act is amended by inserting therein, after section 15 thereof, the following section:

**“15a.** No duty shall be payable to the Crown upon No duty to adoption proceedings nor shall there be any fee when same the Crown. is payable in stamps for the benefit of the Crown.”

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

## CHAP. 75

An Act to amend the act respecting the acquisition and alienation of immoveable property by corporations and persons in mortmain

*[Assented to, the 3rd of April, 1925]*

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** Section 5a of the act 8 George V, chapter 77, as enact- 8 Geo. V, c. ed by the act 13 George V, chapter 74, section 1, is amend- 77, s. 5a, ed: am.

a. By adding thereto, after the word: “mortmain”, in the eighth line of the first paragraph thereof, the words: “whether dissolved or not”;

b. By inserting therein, after the first paragraph thereof, the following paragraph:

“In the case of a corporation or persons in mortmain Corpora- having sold in portions an immoveable which was ac- tions or per- quired without authorization, when an authorization was sons in necessary, to several purchasers, any purchaser of one of mortmain. such portions may request a permit in the name of the corporation or persons in mortmain, whether dissolved or not, ratifying the acquisition of the whole immoveable by the corporation or persons in mortmain, and such ratification shall avail for all the purchasers of the other parts of the immoveable.”

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