

That the petitioners have by their petition prayed for the passing of an act to ratify the permit issued by the city of Montreal; 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:

Certain
building
permit
validated,

Proviso.

1. The permit issued by the municipal authorities of the city of Montreal on the 29th of June, 1916, for the erection of a garage on the lots known and designated under the numbers 67 and 43-1 on the official plan and book of reference of St. Lawrence ward, in the city of Montreal, is declared to have always been and to be valid for all legal purposes, provided the city authorizes such construction by a resolution of its council.

Coming into
force.

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

C H A P. 144

An Act to ratify the donation by Théophile Décarie to Horace Décarie and others, on the ninth of April, 1923, of part of lot number two hundred and two of the cadastre of the Parish of Montreal, and the sale of the same immoveable by the said Horace Décarie and others to Victor E. Lambert, on the 11th of April, 1923.

[Assented to, the 15th of February, 1924]

Preamble.

WHEREAS Théophile Décarie, gentleman, Horace Décarie, gardener, Béatrice Décarie, Claire Décarie, Delphine Décarie and Agnès Décarie, spinsters of the age of majority, and Victor E. Lambert, builder, all residing in the city of Montreal, in the said district, have, by their petition, represented:

That, on the third of February, 1881, by deed of donation, in the form of a partition, passed before Mtre. Alphonse Clovis Decary, notary, Joseph Décarie, Senior, farmer, then living in Côte St. Antoine in the parish of Notre-Dame-de-Grâces, in the county of Hochelaga, in the district of Montreal, acting both in his personal name and in virtue of powers in him vested by the last will and testament of the late Dame Véronique Gougeon, his wife, executed before Mtre. E. Prud'homme, notary, on the 20th of January, 1878, gave to Théophile Décarie, one of his sons, who was

then a minor, and was represented in the said deed by Joseph Décarie, Jr., his brother bricklayer, living at Coteau St. Pierre, in the said parish of Notre-Dame-de-Grâces, his tutor *ad hoc*, a parcel of land lying and situate in the said Côte St. Antoine, in the said parish of Notre-Dame-de-Grâces, known and designated on the official plan and book of reference of the parish of Montreal under the number two hundred and two (202), with the buildings thereon erected, the said immoveable to be held, used and disposed of by the said donee, his heirs and assigns, in full ownership during his lifetime, but subject among others to the following charge:

That the property, as well as the fruits and revenues thereof, shall be and remain entirely non-transferable and unseizable, as also the said immovable property or properties which may be acquired in the future by the donee with or out of the proceeds of the sale of that hereinabove given, but it has been stipulated that it would be lawful and permissible for the donee to dispose of the whole or any part of the said property as and in the manner he shall deem to be most advantageous for him and for his descendants, but only with the advice and consent in writing of the donor during his lifetime, and, after the death of the latter, with the consent either of the said Joseph Décarie, Jr., or of Félix Décarie, his elder brothers, and it has been stipulated that accordingly the said donee could neither sell the property, in whole or in part, nor otherwise alienate the same for any cause whatsoever, without having previously taken such advice and obtained such consent in writing;

That it was also understood that the donee should have the right to dispose by deed *inter vivos*, or by will, of the whole or of any part of the immoveable donated, in favour of his legitimate children or descendants only, upon such terms as he might think or believe to be most advantageous for the establishment of his legitimate children or descendants, without being bound to maintain any equality between the latter, and it has been permitted to the donee to dispose of the whole to such one or more of his legitimate children or descendants, as he might wish, with the charge upon the latter to hand back such sum of money or other advantage as the said donee might wish or believe that he or they should hand back to his or their brothers or sisters, which shall be considered as taking the place of the share of the latter in the said immoveable property;

That it was furthermore stipulated that if the donee died without leaving any legitimate children or descendants, or if, having any, they should die in minority, and without issue, the property hereinabove described to him donated should revert to the donor if still alive, or if not,

should by accretion revert to that one or those of the said Joseph Décarie, Jr., and Félix Décarie, who might survive him;

That such donation was duly accepted for Théophile Décarie by his tutor *ad hoc*, Joseph Décarie, Jr., and such deed of donation was duly registered on the 27th of July, 1881;

That Joseph Décarie, Sr., died in the said parish of Notre-Dame-de-Grâces on the 24th of November, 1890;

That Joseph Décarie, Jr., died in the said parish of Notre-Dame-de-Grâces on the 5th of October, 1896;

That Félix Décarie died in the parish of Notre-Dame-de-Grâces on the 25th of November, 1902;

That, on the 9th of April, 1923, by deed of donation passed before Lionel Joron, Notary, Théophile Décarie, acting in virtue of the powers in him vested by the above mentioned deed of donation, and desirous to provide for the establishment of those of his children hereinafter mentioned, gave to Horace Décarie, gardener, Béatrice Décarie, Claire Décarie, Delphine Décarie, and Agnès Décarie, spinsters, all of the city and district of Montreal, the greater part of the said property, which part is described as follows:

"That certain parcel of land lying and situated in Côte St. Antoine, in Notre-Dame-de-Grâces Ward of the city of Montreal, measuring three arpents in front by six arpents and two rods in depth, the whole more or less, fronting on the said Côte St. Antoine Road, and bounded in the rear by the land of *Les Sœurs de la Congrégation Notre-Dame de Montréal*, on one side on the southwest by Barthélemi Télecphore Décarie or his assigns, and on the other side on the northeast by the Avenue of the said *Sœurs de la Congrégation de Notre-Dame de Montréal*, such land being known and designated under the number two hundred and two (202), on the official plan and book of reference of the municipality of the parish of Montreal, with the buildings thereon erected, and with all the rights and obligations which the said donor has or may have in the said *Avenue des Sœurs de la Congrégation de Notre-Dame de Montréal*; but to be withdrawn however from the said parcel of land, as not being donated by these presents, a lot fronting upon the continuation of Vendôme street crossing the said land, situated on the northeast side of such continuation of the street, measuring seventy-six (76) feet in width upon such continuation, by one hundred and forty (140) feet in depth, English measure, and the southern corner of which is situated at a distance measured along the northeast line of such continuation of the street, of one hundred and six (106) and seven-tenths (7-10) feet, English measure, from

Côte St. Antoine Road; as well as the buildings erected upon such lot,"

on the condition, among others, to pay to René Décarie, a minor brother of the donees, or to the representatives of the latter, one-sixth of the net revenues to be produced by the property donated from the date of the donation up to the date when the said property may be sold, and, in case the said property is sold, to pay to the said René Décarie, or his representatives, one-sixth of the total proceeds of any sale which may be made of the said property, payable in the proportion of one-sixth of any amount in capital and interest to be received by the donees as vendors, according as the same is received;

That this deed was registered in Montreal on the 11th of April, 1923, under the No. 15578;

That on the 11th of April, 1923, by deed passed before Lionel Joron, notary, Horace Décarie, gardener, Béatrice Décarie, Claire Décarie, Delphine Décarie and Agnès Décarie, spinsters, all residing in the city and district of Montreal, sold to Victor E. Lambert, builder, residing in the city of Montreal, the greater part of the property which was given to them by the donation hereinabove mentioned, to wit:

"That certain parcel of land lying and situated in Côte St. Antoine, in Notre-Dame-de-Grâces of the city of Montreal, measuring three arpents in front by six arpents and two rods in depth, the whole more or less, fronting on Côte St. Antoine Road, and bounded in the rear by the land of the *Sœurs de la Congrégation de Notre-Dame de Montréal*, on one side on the southwest by Barthélemi Télesphore Décarie or his assigns, and on the other side on the northeast by the Avenue of the said *Sœurs de la Congrégation de Notre-Dame de Montréal*, such land being known and designated under the number two hundred and two (202) on the official plan and book of reference of the municipality of the parish of Montreal, with all the rights and obligations which the vendors have or may have in the said *Avenue des Sœurs de la Congrégation de Notre-Dame de Montréal*; but to be withdrawn however from the said parcel of land, a lot fronting upon the continuation of Vendôme street across the said land, situated on the northeast side of such continuation of the street, measuring seventy-six (76) feet in width upon such continuation, by one hundred and forty (140) feet in depth, English measure, and the southern corner of which is situated at a distance measured along the northeast line of such continuation of the street, of one hundred and six (106) and seven tenths (7-10) feet, English measure, from Côte St. Antoine Road; as well as the buildings erected upon such lot, such lot and the buildings there-

on erected being shown upon a draft subdivision plan of the said land prepared by F. C. Laberge, land surveyor, on the 30th day of the month of December, 1921," for the price of two hundred and seventy-five thousand dollars;

That such sale is advantageous to the vendors ;

That the said property, by reason of its situation as well as by the enlargement and growth of the city of Montreal, within the boundaries of which it is situated, is no longer suitable for advantageous cultivation, its value and the real estate taxes upon the said immoveable having become too great for the return that the said property could produce as land under cultivation ;

That consequently it has been subdivided into building-lots by the purchaser, to be resold in most cases after buildings have been erected upon such lots ;

That the purchaser is called upon to give titles for portions of the said property to a great number of persons ;

That doubts have been expressed as to the right of Théophile Décarie to make the donation which he has made to the petitioners and as to the right of the donees to sell the property donated ;

That it is desirable that all doubt should be put at an end, and that the donation made to the petitioners by their father be ratified and confirmed as well as the sale they subsequently made ; and

Whereas under such circumstances it is expedient to grant such petition ;

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

Deed of
donation,
ratified, etc.

1. The deed of donation by Théophile Décarie to Horace Décarie, gardener, Béatrice Décarie, Claire Décarie, Delphine Décarie and Agnès Décarie, spinsters, all residing in the city of Montreal, before Lionel Joron, N. P., on the 9th of April, 1923, of part of the immoveable property No. 202 of the cadastre of the parish of Montreal, therein described, is ratified, confirmed and declared valid as regards the rights of said Théophile Décarie to consent to said deed.

Deed of sale,
ratified, etc.

2. The deed of sale of date the 11th of April, 1923, from Horace Décarie, Béatrice Décarie, Claire Décarie, Delphine Décarie and Agnès Décarie, to Victor E. Lambert, passed before Lionel Joron, notary, is also ratified, confirmed and declared legal and valid as regards the rights of the said vendors to make said deed.

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

CHAP. 145

An Act respecting the estate of Joseph Gareau

[Assented to, the 15th of March, 1924]

WHEREAS Alexandre Gareau, Hervé Gareau, Hector Gareau, Emile Gareau, Arthur Gareau, and Jeanne Gareau, wife separate as to property of Philéas Rolland, 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 his will executed before Mtre. L. Bélanger, notary, on the 14th of October, 1907, Joseph Gareau, who died on the 25th of January, 1908, bequeathed all his property to his wife Elmina Lamarche, with whom he was in community of property, with a substitution thereon, including the share of the said Elmina Lamarche in the community of property, in favour of his children, the petitioners, charging the latter to keep and hand over the share received by each one to their children upon their deaths;

That it was stipulated in the said will that the property composing the estate of the testator and the property that the said Elmina Lamarche would possess at the date of the death of the testator, should form the mass of the substituted property, provided that the said Dame Elmina Lamarche would accept the will within three months of the death of the testator, failing which the bequest in favour of the said Dame Elmina Lamarche would have no effect;

That the said Dame Elmina Lamarche accepted the said will;

That it was stipulated in the said will that the division between the children of the first degree should be made at the date of the death of the said Dame Elmina Lamarche;

That by the said will Dame Elmina Lamarche was appointed testamentary executrix, with power to sell, on such conditions as she deemed proper, all the property bequeathed, without any obligation on the part of the purchaser to see to the investment of the purchase price, with power to make advances to one or more of the children to establish or to assist them;

That it was further stipulated that the property bequeathed should be non-transferable and inalienable by