

privileges of Dame Caroline Vincent and Alphonse Hamel, is subject to the obligations and invested with the rights and privileges arising from the relationship of mother and child.

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

CHAP. 129

An Act to confirm the interpretation of the will of the late Désiré Lacerte and to ratify a sale by Léopold Lamy to the St. Lawrence Paper Mills, Limited

[Assented to, the 29th of December, 1922]

Preamble.

WHEREAS Léopold Lamy, of the city of Three Rivers, farmer, has, by his petition, represented:

That by will passed before Pierre Désilets, notary public, at Three Rivers, on the 25th of April, 1893, Désiré Lacerte, of the city of Three Rivers, farmer, did, among other provisions, insert one appointing as his universal legatees, under certain restrictions, the children issue of the marriage of the petitioner;

That the said children now number seven, of whom four are of age and three are minors;

That the fifth clause of the will of Désiré Lacerte reads as follows:

"I give and bequeath to the children issue of the marriage of Mr. Léopold Lamy and Dame Maxemilia Gélinas, both residing with me, and whom I look upon as my children, all property, moveable and immoveable, which I shall leave at my death, that they may in perpetuity enjoy, use, do with and dispose of from the day of the death of my wife; making them my sole and only universal and residuary legatees, under the special condition that their father and mother shall have the enjoyment and usufruct thereof, should it so happen, until they shall become of age, at which time each of the said children shall have the right to demand his share of my property in so far as the moveables are concerned; but as regards the immoveables the share of each of them shall not lie in the immoveables themselves, but in the value thereof to be fixed by arbitrator chosen by the father or, failing him, by the mother of my said universal and residuary legatees.";

That the said clause is conducive to ambiguity, more especially if it be sought to interpret it in conjunction with the other clauses of the will;

That the said Dame Maxemilia Gélinas died in the city of Three Rivers on 26th of May, 1912, and that Dame Rose Elzire Lamy, wife of Désiré Lacerte, also died on the 31st of December, 1905;

That your petitioner, in his quality of usufructuary and tutor to his minor children, is of opinion that it would be to the advantage of the said minors that certain immoveable property, to wit: lots Nos. 7 and 8 of the cadastre for the city of Three Rivers, should be sold to the industrial company "St. Lawrence Paper Mills, Limited" to construct a pulpmill thereon, and for the sum of seventy-six thousand dollars;

That in the circumstances, and in view of the rights existing in favour of the minors upon one of the said lots, to wit: the above mentioned lot No. 8, the notary, who passed the deed of sale, as well as several legal authorities who have been consulted, have expressed serious doubts as to whether the said Léopold Lamy, both personally and in his quality, can give a perfect title to the Company "St. Lawrence Paper Mills, Limited";

That in fact the said deed of sale was passed subject to confirmation and ratification by the Legislature of this Province;

That the market value, attributed up to the present time to the said immoveables which were to be used for agricultural purposes, is much less than the price of sale thereof, and that if the said transaction be not confirmed there will be a resultant irreparable loss for all parties interested in the sale of the said immoveables, as the purchasing company would probably buy the neighbouring lots on which to erect its pulpmill and plant;

Whereas the said petitioner, therefore, prays that the deed of sale by Léopold Lamy to the St. Lawrence Paper Mills, Limited, passed before J. A. Trudel, N.P., on the 20th of May, 1922, be confirmed and ratified; and

Whereas it is expedient to grant 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. The deed of sale by Léopold Lamy to the St. Lawrence Paper Mills, Limited, passed before J. A. Trudel, N.P., in the city of Three Rivers, on the 20th of May, 1922, is confirmed and declared valid as regards the power of the said Léopold Lamy both personally and *ès qualité* to consent to the said deed.

Collection
and invest-
ment of the
share of the
minors.

2. The share of the minors in the said purchase price shall be collected by the tutor and subrogate-tutor and invested by them in conformity with the provisions of article 981*o* of the Civil Code until each of them shall reach the age of majority.

Share of
money sub-
ject to
enjoyment,
etc.

3. The share of the money coming to the minor children from the sale shall be subject to the enjoyment and usufruct established upon the said property.

Exemption
of seeing
to the invest-
ment.

4. The St. Lawrence Paper Mills, Limited, shall be discharged once for all from seeing to the investment of the said purchase price when once the said amount has been paid in accordance with the provisions of section 2 of this act.

Coming into
force.

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

CHAP. 130

An Act to validate a deed of retrocession by Joseph Leblanc
ès qualité to Georges Painchaud

[Assented to, the 29th of December, 1922]

Preamble.

WHEREAS Georges Painchaud, of the city of Montreal, merchant, has by his petition represented:

That Alexander Ross died on the 8th day of September, 1918, after having made his will before Mtre. J. I. MacKie, on the 29th of July, 1892, leaving as heir his wife Dame Ada Ross (née Planche);

That by deed of renunciation passed before J. I. MacKie, notary, on the 2nd of September, 1919, the said Dame Ada Ross renounced the succession of her husband;

That after expiry of the delays for making inventory and deliberating, no other person came forward to claim the succession of Alexander Ross, which anyhow was more onerous than profitable;

That in consequence the succession of the said Alexander Ross became vacant, and by judgment of the 29th of April, 1919, of the Superior Court for the district of St. Francis, Joseph Leblanc was named curator to the vacant succession of the said late Alexander Ross;

That instead of following the formalities required by article 1428 of the Code of Civil Procedure, a meeting of the creditors of the said Alexander Ross was held, and upon