

of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The petitioner above named and the curator to the Alienation substitution after having previously obtained the consent of property of the family council duly homologated, is authorized to under certain sell the said immoveables in part or the whole, by private conditions, sale, and to receive the purchase price and give good notwithstanding, valid discharge to the purchaser, provided the purchase price terms of price be invested or deposited in accordance with the provisions of article 953a of the Civil Code; and the purchaser deed of gift. is freed from following the purchase price once for all when it shall have been invested in accordance with the provisions of parargaphs 3 and 4 of the said article, or has been deposited in accordance with paragraph 5 of the same article.

2. The petitioner may borrow and secure by hypothec Authorization on the said immoveables the sum of ten thousand dollars at a rate of interest not exceeding seven per cent yearly, at the rate of two thousand dollars the first year and thereafter at the rate of one thousand dollars yearly up to the said sum of ten thousand dollars, and this in accordance with this act, without any authorisation being required for this purpose, and without any concurrence on the part of the curator to the substitution. hypothecate.

3. The expenses incurred in obtaining this act shall Expenses of be charged to the substitution, and the institute shall have this act to be a right to take the said amounts necessary to pay them out paid by substitution. of the amount borrowed under this act.

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

C H A P. 126

An Act to permit the definitive sale of the properties mentioned in a certain deed of gift by Polydore Desjardins and his wife to Joseph Desjardins, dated 16th February, 1903.

[Assented to 19th February, 1914]

WHEREAS by their petition, Dorcina Desjardins, widow Preamble. of the late Joseph Desjardins, in his lifetime farmer of St. Joseph du Lac, county of two Mountains, acting in her capacity of tutrix to her minor daughter, Marie

Annette Desjardins, and Arthur I. Vallières, of Montreal, acting in his capacity of subrogate-tutor to the latter, have represented:

1. That on the 16th February, 1903, by deed before H. Champagne, N. P., passed at St. Eustache, district of Terrebonne, Polydore Desjardins, farmer, of St. Joseph du Lac, and his wife, Dame Basile Guindon, gave by gift *inter vivos* to Joseph Desjardins, their son, certain moveable effects and immoveables described in such deed, reserving, however, the use and enjoyment of the property given during their lifetime for themselves or the survivor;

2. That the deed of gift stipulates that the property given should belong exclusively to the said Joseph Desjardins, and in the event of his dying without leaving any children, or if the latter die childless, all the property shall revert to his brothers and sisters or to their legal representatives, to be divided among them;

3. That the deed of gift, nevertheless, allowed the said Joseph Desjardins to alienate or sell the property given, with the restriction that he was to obtain the donors' consent if the alienation were effected during their lifetime;

4. That the donee died and left but one minor daughter, Annette Desjardins, who is thirteen years old and unable to utilize the farm and the other property so given;

5. That the donors' intention seems to have been to give her, as to her father, the right to definitively sell the property given, but there are doubts on this point, and such doubts prevent her selling it;

6. That all the parties at present interested consent to this act, and the tutrix and subrogate-tutor have been authorized for the purpose of this act by a family council whose decision has been duly homologated by the court;

And whereas it is expedient to grant the prayer to that effect 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:

Author-
ization to
consent
to a defini-
tive sale.

1. The clause in the deed of gift by Polydore Desjardins and his wife to Joseph Desjardins, dated the 16th February, 1903, passed before C. H. Champagne, N. P., and allowing the donee to consent to an alienation or final sale of the property given, is declared to apply also to his daughter, Annette Desjardins, and the latter, acting through her tutor or tutrix and subrogate-tutor, is authorized to consent to a definitive sale of the

properties mentioned in the deed of gift, without any other proceedings.

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

CHAP. 127

An Act to ratify and confirm the deed of sale from Dame Annie Pilkington Wheeler to Frederick Campbell Brown, of a certain property situated in St. Antoine ward, in the city of Montreal.

[Assented to 19th February, 1914]

WHEREAS Dame Annie Pilkington Wheeler has by Preamble. her petition represented:

That her father, the late Thomas Brown Wheeler, physician, of the city of Montreal, by deed passed before Mtre. William F. Lighthall, N. P., on the 6th August, 1890, and registered in the office of the registration division of Montreal West, under No. 119766, made a donation inter-vivos to her of the property known as sub-divisional lot No. 8 of the sub-divisional plan and book of reference duly made and filed of lot official No. 1664 (1664-8) of the official plan and in the book of reference for St. Antoine ward, in the city of Montreal, with a four-storey house having cut stone front and other buildings thereon erected with the right of passage in the lane in rear, the said lot with all and every the members and appurtenances thereto belonging, without reserve on the part of the said donor;

That the said deed of donation contains a prohibition to alienate the said property in the lifetime of the donee without the consent, in writing, previously obtained from the donor;

That the said deed of donation, although containing the above prohibition to alienate the property, made no provision for the ultimate disposal of the property in favor of any third parties;

That the said donor died on the 10th day of January, 1901, without having given his consent in writing to the donee to alienate the said property;

That the said donee, having found the administration of the property burdensome, and wishing to take advantage of certain opportunities for better investing her money, has sold the said property to Frederic Campbell Brown, of the city of Montreal;