

C H A P . 1 3 6

An Act respecting a deed of gift dated the 31st March, 1910,
by L. A. Seers *et al*, to Dame Berthe Seers, *et al*

[Assented to 3rd April, 1912.]

WHEREAS Louis Alexandre Seers, advocate, of the parish of St. Joachim de Chateauguay, and Dame Henriette Eloise Perrin, his wife, have, by their petition represented: Preamble.

That by deed of gift *inter vivos* before Mr. J. C. Trudeau, notary, dated at Salaberry de Valleyfield, the 31st March, 1910, under No. 4,689 of the minutes of the said notary, the petitioners gave all their moveable and immoveable property to their two daughters, Berthe Seers, wife of Joseph Georges Laurendeau, advocate, of Salaberry de Valleyfield, and Eugénie Seers, wife of André Brisset, physician, of the city of Montreal;

That the immoveables given by the petitioners as aforesaid consist of the following:

(a) A lot of land situate and being in the town of Beauharnois being part of lot No. 125 of the cadastre of the said town, and bounded as follows: in front by St. Catherine street, on the southeast by No. 160, at the end by the No. 124, and on the northwest by the remainder of No. 125 and containing about 46 feet in width on St. Catherine street;

(b) Another lot of land situate and being in the town of Beauharnois, consisting of the following: No. 159 of the cadastre of the said town; part of No. 154, the said portion containing 71 feet in front by 48 feet in depth, and bounded on the southeast by the remainder of No. 154, on the east by the No. 153, on the northwest by No. 129 and on the southwest by No. 159; of No. 158, less the portion sold to Louis Primeau by deed registered under the No. 35,174, the said part so sold containing six feet in width by 64 feet in depth, English measure, bounded in front by St. Catherine street, in rear by No. 154, on the southeast by No. 157, and on the other side by the remainder of No. 158;

(c) A lot of land situate and being on the east side of Jacques-Cartier square, in the city and district of Montreal, consisting of a lot known and designated on the official plan and book of reference for the East ward of the said city as No. 78, and of part of No. 79, namely: a strip of land being the southeast part of the said No. 79, bounded in front to the southwest by Jacques-Cartier square, in rear to the northeast by part of lot No. 80 of the cadastre of the same ward, on one side to the northwest by LeRoyer street, and on the southeast by No. 78, the said strip of land containing about 275 feet, English measure, in area;

(d) The undivided seven-eighths of a lot of land, situate and being on the west side of Jacques-Cartier square, in the city and district of Montreal, known and designated on the official plan and book of reference for the east ward of the said city as No. 90;

(e) The undivided seven-eighths of lots situate and being on St. Ferdinand street in St. Henry ward of the city of Montreal, known and designated on the official plan and book of reference of the municipality of the parish of Montreal under the Nos. 1,912, 1,848, 1,856, and part of No. 1,911, the said part of said lot No. 1,911 being bounded in front by St. Ferdinand street, on one side by No. 1,912, on the other side by St. Zoé street, throughout the whole depth of the said lot;

(f) A lot of land situate and being in the parish of St. Joachim de Chateauguay, known and designated on the official plan and book of reference of the said parish under the Nos. 56 and 160; the following to be taken from No. 56, namely: the lot given to Dame Berthe Seers by deed of gift by L. A. Seers, on the 16th July, 1908, before Mr. Fortunat Laberge, notary and registered under the No. 35,312 and another lot of land given to Dame Eugénie Seers by deed of gift before Mr. A. N. Lepailleur, notary, on the 16th July, 1906, and registered under the No. 33,152, both being in the county of Chateauguay;

That the immoveables given as aforesaid by the petitioners are the following, to wit:

(a) A lot of land situate and being in the town of Beauharnois known and designated on the official plan and book of reference of the said town under No. 160;

(b) An undivided eighth of a lot of land, situate and being on the west side of Jacques-Cartier square, in the city and district of Montreal, known and designated as No. 90 of the East ward of the said city;

(c) An undivided eighth of a lot of land, situate and being on St. Ferdinand street, in St. Henry ward, of the city of Montreal, known and designated on the official plan and book of reference of the municipality of the parish of Montreal under the Nos. 1,912, 1,848, 1,856, and part of No. 1,911, the said portion of the said No. 1,911 being bounded in front by St. Ferdinand street, on one side by No. 1,912, on the other side by St. Zoé street along the whole depth of the said lot.

That the said immoveables are described as above, in the said deed of gift;

That the said immoveables are given to the said donees on the following conditions contained in clauses 5, 6, 7 and 8, of the said deed of gift, which read as follows:

"5. The donees shall not alienate the said immoveable

property except in favour of their respective children, and they may do so in such manner and in such proportion as they may deem advisable.

"6. In the event of the decease of one of the said donees without children, her share in the said immoveables shall accrue to the co-donee and in her default to her descendants to the exclusion of all collaterals; nevertheless, such alienations as may have been made under the foregoing clause by any of the said donees shall remain in force.

"7. Notwithstanding the foregoing clause 5, the said donees, after the enjoyment of the said donors, or during the enjoyment of the latter with their consent, or the surviving donee with the consent of the husband of the predeceased donee may dispose of and sell by onerous title the immoveables hereinabove mentioned, situate in the town of Beauharnois, and in the town of St. Henri, St. Ferdinand street, and they may use the proceeds of such sale in purchasing hereditaments or improving the immoveables hereby given or by investing on hypothecs on account of the children of such of my daughters as may be predeceased for their share in the proceeds of the sale.

"8. In the event of expropriation for purposes of public utility, it shall be lawful for the said donees or in the event of the predecease of one of them, the survivor with the consent of the husband of his predeceased sister, if they be still living, to come to a mutual agreement as regards the compensation to be granted and to give titles therefor, accounting to the children of her predeceased sister for their share in the proceeds of the said sale";

That the said deed of gift was registered in the registration division whereof the said immoveables are situated, namely, in the registration division of the counties of Hochelaga and Jacques-Cartier on the 15th April, 1910, in register B, volume 13, under the No. 78,135, in the registration division of the county of Beauharnois; on the 12th April 1906, in register B, volume 66, under the No. 39,944, and in the registration division of the county of Chateauguay, on the 28th April, 1910, in register B, volume 49, under the No. 35,959, and in the registration division of the county of Hochelaga and Jacques-Cartier, in register B, under the No. 170,750.

That since the said deed of gift was signed, the petitioners found that the prohibition to alienate and the substitution created by the said deed of gift as regards the above immoveable described are not in the interests of the substitutes; that on the contrary, the interests of the substitutes require that the said property given as aforesaid should be the absolute property of the said donees in such manner that the latter may dispose of the same by will or otherwise so as to do justice to each

of their children which they could not do if the prohibition to alienate and if the said substitution continued to exist;

That the petitioners wish to make a pure and simple gift *inter-vivos* of the said immoveables;

That the said donees, the substitutes of the full age of majority, the curator to the substitution and tutors to the minors who are substitutes have given their consent to this act;

Whereas it is expedient to grant the prayer 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:

Construct-
ion &c., of
certain deed
of sale.

1. The deed of gift by Louis Alexandre Seers and Henriette Eloise Perrin, before Mr. J. C. Trudeau, notary, at Salaberry de Valleyfield, on the 31st March, 1910, under the No. 4,689, of the minutes of the said notary, in favour of the said donees Berthe and Eugénie Seers, of the immoveables above described, is considered as a pure and simple deed of gift *inter-vivos* from the day on which it was made under reserve of the usufruct in favour of the donors mentioned in the said deed; and any other provision of the said deed constituting a prohibition to alienate or substitution is set aside, and more particularly the clauses 5, 6, 7 and 8 of the said deed are repealed and annulled, and the said donees are declared to be and to have been since the date of the said deed, the absolute proprietors of the said immoveables subject to the said reserve of usufruct.

Saving
clause.

2. All the clauses of the said deed of gift not inconsistent with this act shall retain their full power and effect.

Coming into
force.

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

CHAP. 137

An Act to relieve Louis Philippe Sirois, notary, of the city of Quebec, from certain duties imposed on him by the will of Dame Frances Jane Mary Lloyd, widow of Lawrence James Guilmartin.

[Assented to 3rd April, 1912.]

Preamble.

WHEREAS, the said Louis Philippe Sirois, has by his petition represented that he accepted the office of testamentary executor and trustee given him by the aforesaid will, made and passed at Quebec, on the 7th September, 1905, before Messrs. P. E. Emile Bélanger and Adolphe Labrecque,