

C H A P . 1 2 5

An Act to declare the partition of the substituted property of the late Dame Mathilde Leclaire, final and definitive.

[Assented to 14th March, 1911]

Preamble.

WHEREAS Ludger Montpetit, physician, of the city of Montreal; Elzéar Montpetit, physician, of the village of Rigaud; Edouard Montpetit, advocate, of the city of Westmount and Alexandre Boyer, bank clerk, of the city of Montreal, curator to the substitution hereinafter mentioned, have, by their petition represented :

That by his will and codicil made at Montreal on the 7th April, 1891, and 28th November, 1894, under the Nos. 7,965 and 8,617 of the minutes of Mr. Louis N. Dumouchel, notary, the late Dame Mathilde Leclaire, in her life-time wife of Jean Marie Papineau, gave to the said Ludger, Elzéar and Edouard Montpetit, in equal shares and by heads with a substitution clause in favour of their children, the following immovables whereof she held an undivided half with her husband to wit:

a. Part of the lots of land known and designated under the Nos. 624 and 625 of the official plan and book of reference of St. Lawrence ward of the city of Montreal, with the buildings thereon erected and being civic Nos. 152, 154 and 156 of St. Lawrence Boulevard and 81, 83 of St. Charles Borromée street ;

b. Part of the lot of land known and designated as No. 425 of the official plan and book of reference of St. Louis ward, Montreal, with the lot known and designated as No. 427 and part of the lot known and designated as No. 422 of the same official plan and book of reference, with the buildings thereon erected and being civic Nos. 246, 248, 250, 252, 254, 256, 258, 266, and 268 of St. Catherine street, east ;

c. The lot of land known and designated as No. 65 of the official subdivision of lot No. 3239 of the municipality of the parish of Montreal, with the buildings thereon erected and being civic No. 747 of Wellington street ;

That the partition of the said immovables between the said Ludger, Elzéar and Edouard Montpetit is to be effected under the will at the death of the last survivor of them ;

That the said immovables barely yielded a revenue of two per cent to the estate which was burdened by the cost of repairs and insurance premiums and the payment of municipal, school and other taxes ;

That the opinion of the family council, convened under an order of the Superior Court for the district of Montreal for the

purpose of a voluntary licitation, owing to the age of the buildings for the repairing whereof the estate was no longer in a position to provide, was that the institutes should take advantage of the flourishing state of the real estate market in Montreal, to sell the same on condition that the proceeds of the sale be re-invested after the partition ;

That the institutes then proceeded to effect the sale and to divide the proceeds thereof by a deed before Mr. Maurice Loranger, notary, after provision was made for the investment of the amount of five thousand dollars with the interest, to secure in favour of Dame Adèle Labelle, widow of A. N. Montpetit, the yearly rent allowed her by the will;

Whereas the petitioners have prayed that an act be passed to validate the sale of the immoveables above mentioned and to declare the aforesaid partition of the proceeds of the sale of the substituted property of the late Dame Mathilde Leclaire, final and definitive;

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 :

1. Notwithstanding any clause to the contrary in the will and codicil of the late Dame Mathilde Leclaire, made in Montreal, on the 7th April, 1891, and 28th November, 1894, under the Nos. 7,965 and 8617 of the minutes of Mr. Louis N. Dumouchel, notary, the sale of the immoveables above described effected under the judgment of the Superior Court in Montreal, dated the 11th January, 1911, authorizing the licitation, is ratified and the partition between the legatees who are institutes in the substitution of the said late Dame Mathilde Leclaire, is declared to be and to have always been final and definitive, provision being made for an amount of five thousand dollars to secure the payment of the yearly rent given by the will to Dame Adèle Labelle, widow of A. N. Montpetit. Certain sale ratified, &c.

The deed of partition executed under the No. 1,164 of the minutes of Mr. Maurice Loranger, between the said Ludger, Elzéar and Edouard Montpetit, and Alexandre Boyer, is ratified and validated in its entirety, and the statement of the assets and liabilities of the said substitution as drawn up, is confirmed to all intents and purposes. Certain partition confirmed.

In consequence of the above, the said legatees, the institutes, are declared to be and to have always been the sole owners of the shares of the proceeds of the sale of the said immoveables which devolved to them respectively under the partition, on condition that such share be re-invested according to article 953a of the Civil Code and the proceeds thereof be handed over at their death to their children as set forth in the will. Declaration of ownership, &c.

Expenses of
act.

2. The expenses entailed by the passing of this act shall be paid by the substitution and the institutes are authorized to deduct the amount required to pay them from the capital.

Coming into
force.

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

CHAP. 126

An Act respecting the estate of the late Gilbert Leduc.

[Assented to 14th March, 1911]

Preamble.

WHEREAS, Gilbert Leduc, Gilbert Leduc, junior, and Benjamin Leduc, all three farmers, residing at Côte St. Paul, in the parish of Lachine, in the District of Montreal, and Théophile Prud'homme, farmer, in his capacity of curator to the substitution under the will hereinafter referred to, have, by their petition, represented that by will made before Messrs. Alphonse Clovis Décary and Joseph Alphonse Brunet, notaries, on the 5th September, 1899, the late Gilbert Leduc, in his lifetime farmer of Coteau St. Pierre in the parish of Notre-Dame des Grâces, district of Montreal, bequeathed to his son, Gilbert Leduc, a farm known and designated as the southwest half of lot No. 163 of the official plan and book of reference for the municipality of the parish of Montreal, with the buildings thereon erected, and part of lot No. 155 of the said cadastre, to have the usufruct thereof during his lifetime and to hand it over, at his death, to his children born and to be born or to their descendants to be divided among them in equal shares or by roots in case of representation.

That, notwithstanding the above substitution, the testator allowed Gilbert Leduc, the institute, to sell the whole or part of the said land with the consent of the curator to the substitution, provided the price of sale were re-invested in purchasing other immoveables to represent those sold ;

That, moreover, the testator authorized Gilbert Leduc, the institute, to effect during his lifetime a partition of the property substituted between his legitimate children or descendants, either by will or by deed *inter vivos*, without being bound to divide in equal shares between his said children or descendants ;

That the said Théophile Prud'homme was duly appointed curator to the said substitution ;

That the properties so given to the said Gilbert Leduc, the institute, were sold by him and, as a re-investment of