

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

a portion of the proceeds of the sale, he bought a farm, being the greater portion of No. 1,022 of the official plan and book of reference of the municipality of the parish of Lachine, by deed of sale by the executors of the estate of William Dow, executed before W. de M. Marler, notary, on the 7th November, 1893 ;

That later, on the 25th February, 1903, by deed before E. R. Décary, notary, Gilbert Leduc, the institute, acting under the powers given him by the will of the late Gilbert Leduc, his father, to effect during his lifetime the partition of the property bequeathed to him by the said testator or of other property replacing the same among his children or descendants, gave, with the approval of the said curator, to his son Gilbert Leduc, junior, in lieu of his rights in and to the property bequeathed him by the above mentioned will, as a partition, " a portion of the said property purchased from the said Dow estate to wit a lot of land situate at Côte St. Paul, aforesaid forming part of lot No. 1,022 of the official plan and book of reference of the municipality of the parish of Lachine, measuring one arpent in width by the whole depth of the said lot ; bounded in front to the northwest by a portion of the said lot sold to Her Majesty Queen Victoria for the Lachine canal; in rear to the east, on the northeast side, by the dividing line between the parish of Lachine and that of Montreal ; on the southwest by the other portion of the said lot No. 1022;" and that he renounced, in favour of his son, the right he had to the enjoyment of such immoveable under his father's will ;

That, on the 7th May, 1907, by deed before Ernest R. Décary, notary, the said Gilbert Leduc, acting on behalf of the said estate and with the approval of the said curator, gave to another of his sons, Benjamin Leduc, another portion of the said property, to wit : " a lot of land situate at Côte St. Paul, forming part of lot No. 1,022 of the official plan and book of reference of the municipality of the parish of Lachine, measuring an arpent in width by the depth of the said lot ; bounded in front to the northwest by the land sold to Her Majesty Queen Victoria for the Lachine canal ; in rear by the dividing line between the parish of Lachine and that of Montreal, on the northeast side by a portion of the said No. 1,022, measuring an arpent in width by the depth of the said lot belonging to Gilbert Leduc, junior ; and on the southwest side by the residue of the said lot No. 1022" and he renounced his right to the enjoyment of the said property in favour of his son Benjamin Leduc;

That by deed of sale executed before Mr. Ernest R. Décary, notary, the 18th January, 1911, the said Gilbert Leduc, father and son, and Benjamin Leduc, as well as Théophile Prud'homme, the curator to the substitution above mentioned, sold to John Findlay and Sydney P. Howard, real estate agents,

the two portions of official lot No. 1,022, above described, less a small portion thereof sold to the Ontario and Quebec railway company ; that the said Gilbert Leduc and the curator to the substitution sold to John Findlay and Sydney P. Howard, real estate agents, of Montreal, by deed executed the same day before the same notary, the residue of the said lot acquired from the Dow estate, less a small portion thereof sold to the Ontario and Quebec Railway Company; and that Dame Joseph Perrier to whom the institute Leduc sold his usufruct to meet the costs of a lawsuit in which the substitution was engaged notwithstanding that the delay to exercise the redemption had expired, has in order to permit the sales hereinabove mentioned, renounced her said right of usufruct;

That doubts may arise as to whether Gilbert Leduc, senior, had the right to give the full ownership of a portion of the substituted property to his sons Gilbert Leduc, junior, and Benjamin Leduc and whether the said Leduc, father and son, had the right to sell the said property notwithstanding the clauses of the late Gilbert Leduc's will ;

That, in the interest of the said substitution and in order that the deeds of sale of the 28th January, 1911, may have full force and effect, the said deeds of gift should be ratified in the manner hereinafter set forth, inasmuch as the purchasers have consented to the said deeds of sale solely on condition that such ratifications be obtained ;

Whereas, the petitioners have prayed that an act be passed to ratify, confirm and declare valid as hereinafter set forth the deed of gift of the 25th February, 1903, by Gilbert Leduc, senior to Gilbert Leduc, junior, executed before Mr. Ernest R. Décary, notary, and that executed on the 7th May, 1907, by the same to Benjamin Leduc, before the same notary, and the deeds of sale by the said two Gilbert Leducs and others to Findlay and Howard executed on the 18th January, 1911, before the same notary ;

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 :

Certain deeds
of gift rati-
fied, &c.

1. The deed of gift dated the 25th February, 1903, executed before Mr. Ernest R. Décary, notary, by which Gilbert Leduc, senior, gave to Gilbert Leduc, his son, a portion of the property, lot No. 1,022 of the cadastre of the municipality of the parish of Lachine, and the other deed of gift, dated the 7th May, 1907, before the same notary, whereby the said Gilbert Leduc, senior, gave to Benjamin Leduc, his son, another portion of the lot No. 1,022 of the same cadastre, are hereby ratified,

confirmed and declared valid to all intents and purposes, and the substitution created by the will of the late Gilbert Leduc, made before Messrs. Alphonse Clovis Decary, and Joseph Alphonse Brunet, notaries, on the 5th September, 1889, is declared opened as regards the property covered by the said two deeds of gift and the immoveable so given is declared to have become absolutely and completely, by the said gifts, the property of the said donees, Gilbert and Benjamin Leduc respectively.

2. The deed of sale by Gilbert Leduc, senior, Gilbert Leduc, junior, Benjamin Leduc and Théophile Prud'homme, curator, and the deed of sale by Gilbert Leduc and Théophile Prud'homme to Findlay and Howard, executed before Mr. Ernest R. Décary, notary, on the 18th January, 1911, of the portions of the said lot No. 1,022 given by Gilbert Leduc to his sons, Gilbert Leduc and Benjamin Leduc, and of the residue of the said lot No. 1,022 which, when the said deeds of sale were executed, belonged to Gilbert Leduc as institute, and the deed of renunciation of usufructuary rights by Dame Julie Giroux wife of Joseph Perrier passed on the 18th January 1911 before Mr. E. R. Décary notary, are confirmed, ratified and declared valid to all intents and purposes.

Certain deeds
of sale, &c.,
ratified.

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

Coming into
force.

CHAP. 127

An act to ratify a deed of sale to Lambert Lyman, by Simon Lacombe in his capacity of legatee and institute in the substitution of the late Dame Marie Louise Durand *dît* Desmarchais, widow of Joseph Lacombe.

[Assented to 24th March, 1911]

WHEREAS, Lambert Lyman, clerk, of the city of Mont-Preamble, real, has, by his petition, represented ;

That the late Dame Marie Louise Durand *dît* Desmarchais, in her life-time widow of Joseph Lacombe, both of the village of Côte des Neiges, in the district of Montreal, by her solemn will made before N. Pérodeau and his colleague, notaries, at Montreal, on the 22nd May, 1890, bequeathed to her son, Simon Lacombe, the southeast part of the lot of land known as No. 130 of the official plan and book of reference of the village of Côte des Neiges, with the buildings thereon erected, circumstances and dependencies as the said lot of land is more