

## CHAP. 151

An Act to ratify and validate four deeds of fiduciary gift by  
Louis Joseph Vitalien Cléroux in favor of his children

[Assented to 27th April, 1909]

Preamble.

**W**HEREAS Louis Joseph Vitalien Cléroux, physician, residing in the city of Montreal, in the district of Montreal, has, by petition, represented :

That on the ninth of February, 1881, he was married to Julie Coutu, after having, on the eighth of February of the same year, before Mr. J. U. Pitt, notary, entered into a contract with his future consort, by which it was declared that the consorts should be separated as to property, that the future wife should renounce to the legal dower, both for herself and for her children, that she should have no share in the increase of property of her future husband, and it was declared by the sixth clause of the said contract, textually, as follows: " In the event of the death of either of the said future consorts, whether there be children of their marriage or not and of the survivor of the said future consorts remaining unmarried, then and in such case the said survivor of the said future consorts shall have the enjoyment for life of the property left by the predeceased, and in the event of the survivor marrying a second time, then, he or she shall be excluded therefrom, the children alone shall have such enjoyment and ownership of the said property left by the said predeceased and in the event of there being no child, the heirs on the same side and in the same line as the predeceased shall succeed in full ownership by establishing their right of inheritance, and in the event of the survivor of the said consorts marrying a second time, he or she shall take back whatever he or she had at the date of the marriage, and what he or she might have obtained during the said marriage, either by succession, gift, legacy or otherwise, and that in order to establish such property in such case, the said survivor shall have merely to make a declaration thereof, without it being necessary to make an inventory.

The children on becoming heirs, either on the side of the said future husband or on that of the said future wife under the provisions of this contract shall derogate from the custom to the effect that, if one of the children should die intestate, in such case the brothers and sisters alone shall succeed, and in the event of them all dying intestate thereupon the inheritances of each of the said consorts shall revert to each side and line whence the said property came. "

That a number of children were born of the said marriage, eight of whom are still alive, to wit : Louis Henri Vitalien,

twenty-seven years old, Joseph Alphonse Eugène, twenty-one years old, Marie Rose Julie, nineteen years old, René, seventeen years old, Hugues, fourteen years old, Marie Corinne Agnès, thirteen years old, Marie Corinne Cécile, nine years old and Marie Thérèse, eight years old. That the petitioner and his wife owned at the most, three thousand dollars, at the time of their marriage, and that at present he possesses about ninety thousand dollars, both in moveable property, money and immoveables ;

That in the interest of the living children of the petitioner, as well as of the grand-children, born and to be born, the said Louis Joseph Vitalien Cléroux, consented to four deeds of fiduciary gift, on the thirty-first of December, 1908, before Mr. L. Bélanger, notary, at Montreal, one of which deeds passed under No. 19,362 of the minutes of the said notary, being in favor of René and Hugues ; one under No. 19,363 of the minutes of the same notary, being in favor of Marie Corinne Agnès, Marie Corinne Cécile and Marie Thérèse ; a third under No. 19,364 of the minutes of the said notary in favor of Louis Henri Vitalien Cléroux, Joseph Alphonse Eugène Cléroux and Marie Rose Julie Cléroux, and finally a fourth, under No. 19,365, before the same notary, being in favor of his children generally, the trustees appointed under the said four deeds being the brother of the donor, to wit : Mr. Avila Cléroux, Messrs. Séraphin Boucher, physician, and J. Narcisse Perrault, director general of the Catholic schools, of Montreal.

That the enjoyment and usufruct left to the wife of the said Louis Joseph Vitalien Cléroux, by the marriage contract above cited continue to subsist in the said deeds.

That the wife of the said Louis Joseph Vitalien Cléroux, as well as the children of age, consent to the passing of the present act, and it is in the interest of the children that an act validating the said deeds, notwithstanding the said contract of marriage dated the eighth of February, 1881 be passed.

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. The four deeds of fiduciary gift passed on the thirty-first of December, 1908, before Mr. L. Bélanger, notary, one of gift of 31st being a fiduciary gift by the said Louis Joseph Vitalien Cléroux, in favor of René and Hugues Cléroux, his children, December, 1908, ratified, &c.  
under No. 19,362, the second being a deed by the same to Marie Corinne Agnès, Marie Corinne Cécile and Marie Thérèse,

passed before the same notary, on the same day, under No. 19,363, the third being a deed of the same kind passed before the same notary, and at the same date, under No. 19,364, in favor of Louis Henri Vitalien, Joseph Alphonse Eugène and Marie Rose Julie, and finally the fourth, being a deed passed before the same notary, on the same day, under No. 19,365, of the minutes of the same notary, in favor of his children, generally, are hereby ratified, confirmed and declared valid to all intents and purposes, provided each of the said deeds be registered according to law, within thirty days following the sanctioning of this act.

Coming into  
force.

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

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## CHAP. 152

An Act to ratify a certain deed of exchange between Théodule David and Joseph Bourgeois and others

[Assented to 27th April, 1909]

Preamble.

**W**HEREAS Théodule David, painter, residing in the city of Montreal, in the district of Montreal, has, by petition, represented :

That on the thirteenth of June, 1870, Prosper Lauzon, merchant, of the city of Montreal, made his solemn will before Mr. S. P. Moussette, notary, by which he instituted Aurélie Deveau dit Jolicœur, his wife, universal legatee, in usufruct of all his property, and his son, Prosper Onésime Lauzon, legatee, as to ownership ; that the said Prosper Lauzon died at Montreal on the fourteenth of June, 1870, and that his said will was registered at the registry office at Montreal on the sixth of September, 1871, with a notice of decease registered later on the tenth of May, 1879, by which it is declared that among the property left by the said Prosper Lauzon in favor of his son, Prosper Onésime Lauzon, is the undivided half of the following immoveable, acquired by the community, to wit: a lot of land situate in the city of Montreal, known and designated under number six hundred and forty-eight of the official plan and book of reference for St. Mary's ward, of the city of Montreal ;

That by deed of transfer, dated the twenty-eighth of October, 1887, at Montreal, before Mr. M. Perrault, notary, the said Prosper Onésime Lauzon sold to Mrs. Aurélie Deveau dit Jolicœur, his mother, then wife in her second marriage of Gaspard Bourgeois, grocer, of Montreal, all the succession rights belong-