

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.

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.

WHEREAS 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-

ing to him under the will of his late father, and more especially his undivided half of the said immoveable No. 648 of the cadastre for St. Mary's ward ; that such deed was registered on the ninth of November, 1887 ;

That on the eleventh of November, 1898, the said Mrs. Aurélie Deveau dit Jolicœur made her solemn will before Mr. A. Rivet, notary, by which she bequeathed to the said Prosper Lauzon, her son, issue of her first marriage, and to Joseph Bourgeois, her other son, issue of her second marriage with Gaspard Bourgeois, all her moveables and immoveables, to be divided amongst them in equal shares, appointing them her universal legatees, adding that she wished that the immoveables she would leave at her death, should be their property, on condition that they should not alienate the same, giving them, however, the power to hypothecate the said property to provide for the payment of the debts of her estate ;

That such will was registered on the twenty-seventh of December, 1899, with a notice of death stating that amongst the property left by the said Dame Aurélie Deveau dit Jolicœur would be found the aforesaid immoveable bearing No. 648 of the official plan and book of reference for St. Mary's ward ;

That the said Prosper Onésime Lauzon died, leaving as heirs his minor children, to wit : Marie Lauzon, born on the twenty-first of September, 1885, and now absent for over four years, George Lauzon, born on the twenty-eighth of August, 1892, and Antonio Lauzon, born on the fourth of June, 1897, of the marriage of the said Prosper Onésime Lauzon with Dame Marie Eugénie Azilia or Azilda Richot, who was married a second time to Charles Auguste Bourgeois, of the said city of Montreal ;

That the said Charles Auguste Bourgeois and his wife were appointed joint tutors to the said minor children under an act of tutorship, homologated by the deputy prothonotary of the Superior Court of the district of Montreal, on the twenty-seventh of August, 1908 ;

That the said Charles Auguste Bourgeois was appointed curator to the absentee Marie Lauzon, the sixth August, 1908, by act of curatorship duly homologated by the deputy-prothonotary of the Superior Court for the district of Montreal ;

That by deed of exchange between the petitioner and Joseph Bourgeois, agent, of Montreal, Charles Auguste Bourgeois, restaurant-keeper, of Montreal, acting as curator to Marie Lauzon, absentee, under an act of curatorship, homologated as aforesaid on the sixth of August, 1908, and the said Charles Auguste Bourgeois, and his wife, in their capacity of tutors to their minor children, the said deed passed on the twenty-seventh of August, 1908, before Mr. L. Bélanger, notary, the said Théodule David, the petitioner, gave in exchange to the other parties in their names and capacities,

a lot of land fronting on Gilford street, at the corner of Lasalle street, in St. Denis' ward of the city of Montreal, containing fifty-two feet in width by ninety-one feet in depth, the whole English measure, more or less, with the house and other dependencies thereon erected, bearing the numbers 512, 514, 516, 518, 520, 522 and 524 of the said Gilford street, and numbers 378, 380, 382, 384, 386, 388 and 390, of the said Lasalle street, with the active and passive servitudes connected therewith, and especially the right of way in common with others entitled to the same in the lanes bounding the said lots at its depth, which lots consist of lots of land known and designated under number 330, re-subdivision 155, 156, 157 and 158 on the official plan and book of reference of the incorporated village of Côte St. Louis, in the county of Hochelaga ; and that the other parties, jointly and severally gave in counter exchange to the said Mr. Théodule David, hereof accepting a lot fronting on St. Catherine street, at the corner of Champlain street, in the city of Montreal, containing fifty-one feet in width by eighty-five feet six inches in depth, the whole English measure, more or less, with the house and other dependencies thereon erected, bearing the numbers 901, 903, 905 and 907 of the said St. Catherine street, the said lot being known and designated as lot number 648, on the official plan and book of reference for St. Mary's ward of the said city of Montreal ;

That the said deed of exchange is in the interest of the said Joseph Bourgeois, the proprietor of one-half of number 648, and the said minor children Lauzon, the owners for the other half, inasmuch as they have no means to rebuild the buildings erected on their property, which would be absolutely necessary to enable them to derive revenues therefrom, which would enable them to meet the annual expenses, such as taxes, insurance and repairs, while the property they had in exchange brings in considerable revenue, owing to the large number of tenants on the said property, where the buildings are comparatively new ;

That the said deed of exchange was ratified by the family council of the absentee and minors at a meeting held on the third of February, 1908 ;

That doubts may arise as to the question whether the prohibition to alienate contained in the will of Dame Aurélie Deveau-dit Jolicœur, dated the eleventh of November, 1898, has created a substitution ;

That in the interest of the said Joseph Bourgeois and the minors and absentee, it was important that the said deed of exchange should have been made, although all the formalities required for the sale of the property of the minors or absentees had not then been fulfilled ;

Whereas the petitioner prays for the passing of an act to

ratify, confirm and declare valid to all intents and purposes the said deed of exchange passed before Mr. L. Bélanger, notary, on the twenty-seventh of August, 1908, under the number nineteen thousand and twenty-five of the minutes of the said notary ;

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 :

1. The deed of exchange dated the 28th August, 1908, ^{Certain deed} passed before Léandre Bélanger, notary, at Montreal, of the ^{of exchange} property known under number No. 648 of the official plan ^{ratified, &c.} and book of reference of St. Mary's ward, in the city of Montreal, is hereby ratified, confirmed and declared valid to all intents and purposes.

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

CHAP. 153

An Act respecting two deeds of fiduciary gift consented by
Madame Marie Eugénie Dionne, widow of the late Arthur
Dussault in favor of her children

[Assented to 7th May, 1909]

WHEREAS Philippe Georges Antoine Dussault, Joseph ^{Preamble.}

Arthur Romeo Dussault, Alma Dussault and Corinne Dussault, represented by Honoré Dionne, their tutor *ad hoc* and Amédée Plourde, subrogate-tutor, and Dame Marie Eugénie Dionne, widow of the late Arthur Dussault and mother of the minors above mentioned, all of the parish of Notre-Dame de Bonsecours de l'Islet, in the county of L'Islet, have, by their petition, represented :

That the said minors are beneficiaries, as regards ownership and the said Dame Marie Eugénie Dionne is the donor (*instituant*) and usufructuary, of an amount of seven thousand dollars under a deed of fiduciary gift by the said Dame Marie Eugénie Dionne, passed on the thirtieth November, 1889, before C. Leclerc, N. P., in the parish of L'Islet, under the number 2953 of the repertory of the minutes of the said notary ;

That Philippe Georges Antoine Dussault and Joseph Arthur Roméo Dussault are also beneficiaries as regards ownership and Dame Marie Eugénie Dionne is the donor (*instituant*) and