

Pierre Dion, Léon Dion, and his wife, who declared they could not sign when thereunto requested, these presents duly read.

(Signed) MARGUERITE FILION,

“ JOSEPH DION,

“ E. GERMAIN, N. P.

True copy of the original of these presents remaining in the study of the undersigned notary.

E. GERMAIN, N. P.

## CHAP. 112

An Act respecting the succession of the late Simon Lacombe

[Assented to 9th March, 1906]

### Preamble.

WHEREAS Miss Emélie Lacombe, Miss Marie Lacombe, both spinsters, of the village of Notre Dame des Neiges West, in the district of Montreal; Dame Elizabeth Lacombe, of the same place, wife separated as to property of Arthur Yale, burgess, of the same place, and the latter to authorize his wife for the purposes of this act; the Honorable Napoléon Charbonneau, judge of the Superior Court of the district of Richelieu, residing at Sorel, in the said district, acting in his quality of tutor to Miss Emilienne Charbonneau, his minor daughter, issue of his marriage with the late Mathilde Lacombe, and François Desmarchais, burgess, of the same place, acting herein in his capacity of curator duly appointed to the substitution created by the will of the late Simon Lacombe, have by their petition represented:

That the late Simon Lacombe made his solemn will before Mtre. A. Lecours, notary, at St. Laurent, near Montreal, on the 21st May, 1879, which will was registered on the 8th January, 1881;

That, by such will, all the property belonging to the community of property which existed between the deceased and Dame Emélie Durand *dit* Desmarchais, his wife, was to form but one mass, which said special provision the said Dame Emélie Durand *dit* Desmarchais, the survivor, accepted after her husband's death;

That all the property of the deceased, including that of the said community of property, was at first bequeathed to the said Dame Emélie Durand *dit* Desmarchais, “ to be by her

enjoyed in usufruct during her lifetime only so long as she remained a widow, and the said moveable and immoveable property were afterwards to revert in full ownership to Paul Lacombe," the only male child, issue of the said marriage;

That Paul Lacombe died before his mother, to wit: on the 20th January, 1895, without leaving any children; and the said Dame Emélie Durand *dit* Desmarchais herself died on the 16th June, 1905;

That no other child issue of the marriage of said Simon Lacombe and of the said Dame Emélie Durand *dit* Desmarchais was named for the purpose of receiving the property in the place of the said Paul Lacombe, but the said will said that "in any case the death of one of my said children shall benefit the others", and indicated the intention on the part of the testator to retain the property in the hands of his descendants;

That the testator, by his will, intended to provide for the voluntary alienation of his property; he authorized his wife, with the concurrence of his son, to sell the same or a portion of the said immoveables if they deemed it expedient to effect such sale; and he authorized his son, Paul Lacombe, to hypothecate and sell either for the purpose of paying off the legacies or in the event of his finding it advantageous so to do;

That the said Dame Lacombe, with the concurrence of her son Paul Lacombe, gave a certain immoveable to three of the petitioners by deed passed, at Montreal, the 17th March, 1891, before Mtre. A. Chauret, notary, and that considerable doubts have since arisen as to the right to make such gift;

That the said testator had reason to hope that, in the ordinary course of things, his son Paul Lacombe would survive his mother, and would for many years carry out his father's wishes as regards the disposal of the property;

That very serious doubts have arisen as regards the right of the present possessors to alienate the property as having succeeded to the rights of Paul Lacombe or to cause the same to be sold as substituted property, in view of the prohibition to alienate stipulated in another part of the will;

That it is evident that the late Simon Lacombe, by his will, intended to provide for the alienation and disposal of his property, but that, in consequence of the premature death of his son and sole legatee, this wish of the deceased cannot be carried out;

Whereas the petitioners have prayed that an act be passed to remove the doubts that have arisen and to provide for the appointment of three persons who shall exercise the powers given to the legatee now deceased and who shall be charged to administer the said property and to sell the same if necessary whenever the interests of the estate may require it;

Whereas it is expedient to grant such prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**Appointment of board of administrators for the estate.**

**1.** Miss Emélie Lacombe, one of the petitioners, Arthur Yale, husband of one of the said petitioners, and the Honorable Napoléon Charbonneau, judge of the Superior Court, are hereby constituted a board of administration, whose powers shall be those defined by the articles of the Civil Code concerning trusts; and the said administrators or a majority of them shall have the right to sell, alienate, hypothecate, or convey the property of the said succession, by private sale or otherwise, as they may deem advisable, and to administer all the affairs of the said succession, to ratify sales already made and to give valid and indisputable acquittances for all prices of sale or all debts due to the said succession.

**Rights of board.**

**Resignation of trustees.**

**2.** In the event of one of the said administering trustees, wishing to resign, for any reason whatsoever, he shall have the right to appoint a substitute by notarial deed. In the event

**Vacancies in trust.**

of the death of one of them, the two others shall appoint a substitute, also by notarial deed, if the deceased administrator has not previously done so himself by notarial deed, or by will.

**Investment of proceeds of sale, &c.**

**3.** The price of sale realized shall be invested according to the provisions of the act respecting investments of property belonging to others, without the acquirers or debtors being in any way bound to see to the same; the interest on the said investments shall be divided yearly between the four roots of the said succession, until final partition, if there be one.

**Sale of immoveable by trustees.**

**4.** It shall likewise be lawful for the administering trustees, with the concurrence of the two spinster daughters of the late Simon Lacombe, to sell and alienate the immoveable given by the deed of donation passed, at Montreal, before Mtre. A. Chauret, notary, the 17th March, 1891, as well as the house and dependencies erected upon the said immoveable, and to give a valid and final acquittance for the price of sale; the proceeds of sale of such immoveable shall be invested separately according to the law governing trusts, and the interest shall be paid to the persons entitled to the same.

**Investment of proceeds.**

**Power of certain persons respecting deed of gift.**

The heirs, legatees and donees of the late Simon Lacombe and of Dame Emélie Desmarchais, to wit: Miss Emélie Lacombe, Miss Marie Lacombe, Dame Elizabeth Lacombe, wife separated as to property of Arthur Yale, and Miss Emilienne Charbonneau, personally when she shall come of age or be emancipated, or by her tutor who is specially authorized to

that effect before such date, may, at any time, transact together as to the validity and effect of such gift, establish the proportion of the vacant lot in the total value of the immoveable, with its buildings, and divide up the price of sale in such manner as to relieve the administrators of that portion of the trust.

5. The said heirs and legatees are also authorized and the tutor of Miss Emilienne Charbonneau is authorized to proceed, at any time, to effect a final partition, by mutual agreement and without any judicial formality, of all the said property after the immoveables shall have been sold and to give final acquittance and full discharge to the said administrators.

Final partition of estate, &c.

6. The provisions of the said will and of the said deed of gift, which are not affected by this act, shall remain in full force and effect.

Will, &c., to be otherwise in full force and effect.

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

Coming into force.

#### CHAP. 113

An Act to ratify the sale by the children of the late Dame Margaret J. Morris, wife of the late William B. Lambe, to James Robinson

[Assented to 9th March, 1906]

WHEREAS Lawrence M. Lambe, of the city of Ottawa, in the Province of Ontario, geologist; Dame Gertrude M. Lambe, wife separated as to property of Percy H. Selwyn, of Ottawa aforesaid, secretary, by him duly authorized; Dame Sarah M. Lambe, wife separated as to property of Arthur A. H. Harris, of the city of Montreal, in the Province of Quebec, railway official, by him duly authorized, and Miss Elizabeth H. Lambe, Miss Margaret M. Lambe, Miss Annie M. Lambe, and Miss Agnes M. Lambe, all of Montreal aforesaid, spinsters, of the age of majority, and Melbourne M. Lambe, of Montreal aforesaid, gentleman, acting with the assistance of his judicial adviser, John L. Morris, of the same place, King's Counsel, the vendors in the hereinafter recited sale, have, by their petition, represented that doubts have arisen as to the power of Melbourne M. Lambe to sell his interest in the lot sold, and have prayed that an act be passed to ratify and confirm a deed of sale of cadastral lot number eighteen hun-

Preamble.