

1. The rector and church-wardens of St. Thomas' church, in the city of Montreal, in the diocese of Montreal, with the consent of the Lord Bishop of Montreal, in conformity with the provisions of the act 14-15 Victoria, chapter 176, may sell and dispose of the said property described in the preamble of this act, and grant a valid and sufficient title therefor.

Certain property authorized to be sold.

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

Coming into force.

CAP. CXI.

An act to confirm a certain deed of retrocession and resiliation of a gift, passed between Joseph Louis Carle, Louis Carle and Louis Napoléon Carle, *es-qualité*.

[Assented to 21st March, 1889.]

WHEREAS by deed of gift *inter vivos*, passed in the city and district of Montreal, before M^{re} Pérodeau, notary, on the twenty-seventh day of February, one thousand eight hundred and eighty-two, and duly registered, Louis Carle and Dame Thais Lauzon, his wife, common as to property with her said husband, gave unto Joseph Louis Carle, their son, accepting thereof, the following moveable and immoveable property described at length in the said deed, to wit :

Preamble.

1. The *fief Marie Anne*, in the parish of Sainte Ursule, in the district of Three Rivers, with the manor and dependencies, with a farm and the mills and other buildings erected on the said *fief* ;

2. A lot of land about seventy five arpents in superficies situate in the parish of St. Justin ;

3. All the moveable property owned in connection with the aforesaid immoveables and other moveable effects and sums of money set forth in the said deed of donation ;

Whereas the immoveables above mentioned were so given subject to the substitution in favour of the children of the donee, born or to be born in lawful wedlock, but only to the extent of twelve thousand dollars, the remainder of such immoveables and other property being given in full ownership ;

Whereas the said donation was made subject to very onerous conditions, charges and obligations, which are set forth in the said deed of gift ;

Whereas the donee took possession of the property so given him immediately after the passing of the deed of gift, but was unable and is still unable to fulfill the conditions and comply with the charges and obligations set forth in the said deed of gift, and the donors themselves have paid a considerable portion of the debts and obligations imposed upon the donee in virtue of the said deed of gift ;

Whereas the donee has allowed the said property to become deteriorated and has abandoned the same, instead of making repairs thereto to the amount of four thousand dollars, and the donors have made repairs to the amount of over two thousand dollars, and as much and even more is still required ;

Whereas, on the eleventh of March, one thousand eight hundred and eighty-seven, the donee sold the property in question to his brother Louis Napoléon Carle, by deed of sale, before L. E. Galipeau, notary, subject to certain charges, clauses and conditions which the purchaser has been unable to comply with, and by deed passed on the third of December of the same year, the said purchaser, Louis Napoleon Carle, retroceded the said property to the vendor Joseph Louis Carle, and that both cancelled the said deed of sale ;

Whereas since last autumn the donors have resumed possession of the said property and made use of the same, but, owing to the deterioration and depreciation of the said property and buildings, to the default of the donee to fulfill his obligations, both to the donors and the creditors, it is impossible for the donee and donors to meet the obligations contracted, unless the said deed of gift be entirely cancelled, and the donors be replaced in possession as owners of the property, so as to be able to dispose of a portion thereof to pay the debts, repair the buildings and make use of the same ;

Whereas the donee consents to retrocede the said property which he admits he is unable to keep ;

Whereas, without a deed of retrocession, the said property would be sold by judicial authority to pay the claims of the donors and of the creditors ; and, in any case, the substitute and their father, the institute, would lose their rights ;

Whereas it is in the interest of all the parties interested that the said property be retroceded to the donors who consent to take the same back, in the condition in which it now is, in order to repair and make use of the same and pay the debts thereon ;

Whereas, upon the advice of a family council, convened and held on the 22nd June, 1888, in the city and district

of Montreal, before Honorable Mr. Justice Gill, one of the judges of the Superior Court sitting in the district of Montreal, Louis Napoléon Carle was appointed curator to the substitution established by the said deed of gift and was, at the same time, authorized to cancel the said deed and retrocede the property given thereby ;

Whereas the said Louis Napoléon Carle accepted the said office of curator and took the required oath ;

Whereas, by deed passed at Montreal, before Mtre Fusey, notary, on the tenth of July, one thousand eight hundred and eighty-eight, the said Joseph Louis Carle retroceded and returned to the said Louis Carle, and Dame Thais Lauzon, his wife, all the property, both moveable and immoveable, enumerated in the said deed of gift ; whereas the said Louis Napoléon Carle, in his quality of curator, appeared as a party to the said deed of retrocession and consented thereto, and whereas all the said parties have cancelled the aforesaid deed of gift and the substitution established thereby, being desirous that such gift and substitution be considered as non-existent ;

Whereas the said Louis Carle and his wife have resumed possession of the said property and in order to save a portion thereof, they are obliged to sell and borrow ;

Whereas certain persons to whom they have applied have raised doubts as to the validity of the said deed, of retrocession and have refused to enter into negotiations with them ;

Whereas the said Louis Carle, Joseph Louis Carle and Louis Napoléon Carle have prayed for the passing of an act to remove such doubts and it is expedient, for the advantage of all the interested parties, that such prayer be granted ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The deed of retrocession and resiliation of the gift above mentioned, passed in the city and district of Montreal, on the tenth of July, one thousand eight hundred and eighty-eight, before Mtre. Fusey, notary, between Joseph Louis Carle, Louis Carle and Louis Napoléon Carle, the latter in his capacity of curator to the aforesaid substitution, is hereby confirmed and declared to be valid for all lawful purposes.

Certain deed of retrocession and resiliation confirmed.

2. Consequently, the said deed, passed in the city and district of Montreal, on the twenty-seventh of February, one thousand eight hundred and eighty-two, before Mtre. Perodeau, notary, by the said Louis Carle and Dame Thais

Certain deed of donation cancelled.

Lauzon his wife, in favour of Joseph Louis Carle, is cancelled and considered as non-existent to all lawful purposes, as well as the substitution established by and under the said deed of gift.

Coming into
force.

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

CAP. CXII.

An act to authorize the sale of property substituted by the will of Marie Geneviève Couture dite Lamonde.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS, by her authentic will received by F. X. Talbot, notary, at St. Valier, on the 26th April, 1873, Marie Geneviève Couture dite Lamonde gave certain moveables and three immoveables, to wit : lots numbers 121 and 203 of the cadastre of Saint Valier and the south-west half of lot number 112 of the cadastre of Saint Raphael, to Marie Hortense Roy, in usufruct during her lifetime and after the death of the latter, to Urbain Couture dit Lamonde, *fils de Joseph*, subject to a substitution *ad infinitum* in favour of the members of the family bearing the name of Couture dit Lamonde and by them successively chosen ;

Whereas, by gift *inter vivos*, the said Urbain Couture dit Lamonde has acquired the rights of the said Hortense Roy ;

Whereas the value of the said substituted property is but small and barely sufficient to provide for their maintenance ;

Whereas the said substitution is no longer in the interest of the said substitutes and it has become impossible to carry out, and it is to the advantage of all that it be extinguished ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain substituted property authorized to be sold.

1. The said Urbain Couture dit Lamonde and his representatives are authorized to dispose of the said substituted property, purely and simply, provided it is to one or more of his children ; and the purchaser or purchasers of the whole or of a portion of such property shall obtain a perfect title without being subject to the said substitution, which is declared to be extinguished, without prejudice however to the other charges in the said will.