

C H A P . 1 2 4

An Act respecting the estate of Jérôme Latour.

[Assented to 24th March, 1911]

WHEREAS, André Latour, senior, farmer, and Joseph Preamble.

Bélangier, farmer, both of the parish of Lachine, district of Montreal, the latter acting in his capacity of curator to the substitution created by the will of the late Jérôme Latour, made at Montreal, before J. E. O. Labadie and his colleague, notaries, on the 6th February, 1857, have, by their petition, represented :

That, by his will made before J. E. O. Labadie and his colleague, notaries, at Montréal on the 6th February, 1857, the late Jérôme Latour, in his life-time farmer, of the said parish of Lachine, bequeathed to his wife the late Dame Catherine Henrichon, the usufruct, until Maximin Latour, one of his sons, attained the age of majority or until she married a second time, of a farm now known as No. 1,021 of the official plan and book of reference of the said parish of Lachine, to be handed over at her death to two of his children, the said Maximin Latour and the said André Latour, senior, one of the petitioners, who, in their turn, were to have the enjoyment thereof during their life-time and to hand it over at their death to their own children to be divided among them by roots ;

That, by and under a deed of partition executed at Montreal before J. E. O. Labadie, notary, on the 13th March, 1878, and registered in the registry office of the counties of Hochelaga and Jacques Cartier, under the No. 1,276, the said André Latour, senior, and Maximin Latour divided the said lot of land between them under the conditions of the said will; the said André Latour, senior, to have the enjoyment of the north east half of the said lot No. 1,021 of the parish of Lachine and his children to have the ownership thereof ; and the said Maximin Latour to have the enjoyment of the southwest half of the said lot of land and his children to have the ownership thereof ;

That the said northeast half of the said lot No. 1,021 of the parish of Lachine, containing about forty-five acres in superficies, belonging, as regards enjoyment, to the said André Latour, senior, and, as regards ownership, to his children the petitioners above mentioned, owing to the continuous extension and growth of the city of Montreal and especially the great number of concessions of land made of late years in the parish of Lachine, is no longer fit for farming as its value and the assessment on immoveables are becoming too heavy in proportion to what it might yield as a farm ;

That, in consequence of the option given at Montreal, before Victor Morin, notary of Montreal, on the 2nd November, 1910, and registered in the registry office of the counties of Hochelaga and Jacques-Cartier on the 4th November last under the No. 180,056, all the petitioners above mentioned, with the curator to the substitution, gave to Mendoza Langlois, real estate broker, of Montreal, thereof accepting, the right to purchase, within thirty days from such date, the said north east half of the said lot No. 1,021 of the parish of Lachine which they declared to belong to them under valid title deeds which they promised to furnish to the satisfaction of the said Mendoza Langlois, as soon as such option is granted, for the sum of fifteen hundred dollars per superficial acre, and under the conditions set forth in the said deed ; that by a deed of acceptance executed at Montreal, before F. S. Mackay, notary, on the 28th November last, 1910, and registered in the registry office aforesaid under the No. 181,651, the said Mendoza Langlois declared that he accepted and availed himself of the said option ;

That notice of such acceptance on the part of the said Mendoza Langlois was served upon the said André Latour, senior, *et al*, by F. S. Mackay, notary, as appears by the minute of signification and of the putting in default drawn up for the purpose by the said F. S. Mackay, notary, and dated the 30th November last, 1910 ;

That, in consequence of the facts above set forth, the said lot of land was sold, on the 24th January last, 1911, by the petitioners to the said Mendoza Langlois for the sum of fifteen hundred dollars per superficial square acre, say, for forty-five acres of the said immoveable, the sum of sixty-seven thousand five hundred dollars, for the purpose of subdividing it into building lots to be offered for sale as such ; the whole under the conditions set forth in the said option and deed of sale ;

That it is impossible to do so, unless an act be passed permitting the said André Latour, senior, one of the petitioners, with the assistance of Jérôme Latour, curator to the substitution, to receive the moneys derived from the sale and to give good and valid acquittance therefor to the purchasers, provided the said André Latour, senior, with the assistance above mentioned, re-invests such moneys as required by article 953a of the Civil Code ;

That one of the conditions of the sale above mentioned is that it be ratified by the Legislature of the Province of Quebec ;

That all the substitutes are of the full age of majority and have given their consent to this act ;

That such sale is to the advantage of the substitution ;

That the curator to the said substitution appeared in the said sale and ratified the terms and conditions thereof and

undertook, with the petitioners, to have it ratified, at their expense, by the Legislature of the Province of Quebec ; that he consents to the present petition and concurs therein ;

Whereas the petitioners have proved the allegations of their petition and it is expedient to grant their prayer ;

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 sale of the north east half of lot No. 1,021 of the cadastre of the parish of Lachine under certain conditions therein set forth, with the concurrence of the curator to the said substitution, to Mendoza Langlois, executed before R. H. Beaulieu, notary, on the 24th January, 1911, is ratified and declared valid and binding both as regards the purchaser and the institute and substitutes in the substitution of Jérôme Latour. Certain sale, ratified, &c.

2. André Latour, senior, the institute in the substitution created by the will of the late Jérôme Latour may, with the assistance of the curator to the substitution, notwithstanding any clause to the contrary in the said will, receive the moneys derived from the sale of the immoveable known as the north-east half of lot No. 1,021 of the parish of Lachine substituted in favour of his own children, the persons above mentioned as substitutes, to be divided among them under the terms of the said will, and give a good and valid acquittance thereof to the purchaser, on condition, however, that the said price be invested or deposited in accordance with the provisions of article 953a of the Civil Code, and the said purchaser shall be discharged from following the amount of the purchase price once for all from the moment it has been invested by the said institute in accordance with paragraphs 3 and 4 of the said article 953a or deposited with the prothonotary in accordance with paragraph 5 of the same article. A. Latour authorized to receive proceeds of certain sale, &c.

3. The vendors mentioned in such deed of sale shall be bound to pay all costs, disbursements and fees in connection with the licitation and sale of the said lot of land before R. H. Beaulieu, notary, as well as the cost of this act. Costs of act, &c.

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