



CHAPTER 162

An Act to authorize Gédéon Fredette *et al.* to sell certain substituted property

[Assented to, the 20th of March, 1930]

WHEREAS Gédéon Fredette, son, gentleman, of the Preamble.
city of St. John's, district of Iberville, in his capacity of curator to the substitution created by deed of gift from Gédéon Fredette, father, and Cesarie Dubois, his wife, to Emile Fredette, gentleman, of the city of St. John's, district of Iberville; Emile Fredette, institute, and as tutor to the minors, substitutes in the said substitution, Françoise Fredette, Lorraine Fredette, Suzanne Fredette and Paul Emile Fredette; Laurianne Frédette, substitute in the said substitution, wife, common as to property of Georges Marien, advocate, and the said Georges Marien to authorize his wife, both of the town of Iberville, district of Iberville, have, by their petition, represented:

That Gédéon Fredette, father, and Cesarie Dubois, his wife, duly authorized by an authentic deed of gift, made as a minute and duly registered, made a gift, *inter vivos* and irrevocable, to Emile Fredette, present and accepting, of the enjoyment and usufruct of a certain land situated in the city of St. John's, then the town of St. John's, such land being known and described under the numbers one thousand and ninety-nine, eleven hundred, eleven hundred and one, eleven hundred and two, eleven hundred and three, eleven hundred and four, eleven hundred and five, eleven hundred and six, eleven hundred and seven, eleven hundred and eight, eleven hundred and nine, eleven hundred and ten, eleven hundred and eleven, eleven hundred and twelve, eleven hundred and thirteen, eleven hundred and fourteen, eleven hundred and fifteen, eleven hundred and sixteen, eleven hundred and seventeen, eleven hun-

dred and eighteen, eleven hundred and nineteen, eleven hundred and twenty-two, eleven hundred and twenty-three, eleven hundred and twenty-four, eleven hundred and twenty-five, eleven hundred and twenty-six, eleven hundred and twenty-seven, eleven hundred and twenty-eight, eleven hundred and twenty-nine, eleven hundred and thirty-one, eleven hundred and thirty-two, eleven hundred and thirty-three, and eleven hundred and thirty-four, (Nos. 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, and 1134) of the official cadastre of the town of St. John's, as well as of the streets marked on such land;

That the land so given is situated at St. John's, within the limits of the city of St. John's, and is, as such, taxable as city property;

That the revenues from the said land are next to nothing, and insufficient to pay the taxes and rates;

That by the terms of the said deed of gift, the institute, even with the consent of the substitutes, cannot sell, alienate or transfer the said substituted land which was given purely gratuitously as an alimentary allowance, not transferable and unseizable;

That, on account of these provisions, it is doubtful whether the institute, the said Emile Fredette, even with the consent of his children, the substitutes, can sell the said land, even upon observing the formalities required by law for the final alienation of substituted property;

That the petitioners have had already to refuse serious and advantageous offers for the purchase of the said land, the proceeds whereof would have greatly increased the revenues from their share in the said gift;

That at the time of the gift, the said immoveable yielded eleven hundred dollars of net revenue, and that now, and for four or five years, it yields no revenue, but creates a charge of over eight hundred dollars a year;

That, in view of the many requests for lands for manufactories made to the council of the city of St. John's for some time, the petitioners could at present dispose advantageously of the said land;

That it is expedient to put an end to the doubts as to the validity of the sale in accordance with the formalities required for the final alienation of substituted property;

That the petitioners would suffer serious loss if they could not dispose of the land on very advantageous conditions for both the institute and substitutes;

Whereas the petitioners pray that an act be passed to authorize them to sell the said substituted land, and 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:

1. Gédéon Fredette, son, in his capacity of curator to the substitution created by a deed of gift from Gédéon Fredette, father, and Cesarie Dubois, his wife, to Emile Fredette; Emile Fredette, as institute, and as tutor to the minors, substitutes, Françoise Fredette, Lorraine Fredette, Suzanne Fredette and Paul Emile Fredette; Laurianne Fredette, wife, common as to property of Georges Marien, and the said Georges Marien, to authorize his said wife, are authorized to sell a certain number of lands situated in the city of St. John's, then the town of St. John's, such land being known and described under the numbers one thousand and ninety-nine, eleven hundred, eleven hundred and one, eleven hundred and two, eleven hundred and three, eleven hundred and four, eleven hundred and five, eleven hundred and six, eleven hundred and seven, eleven hundred and eight, eleven hundred and nine, eleven hundred and ten, eleven hundred and eleven, eleven hundred and twelve, eleven hundred and thirteen, eleven hundred and fourteen, eleven hundred and fifteen, eleven hundred and sixteen, eleven hundred and seventeen, eleven hundred and eighteen, eleven hundred and nineteen, eleven hundred and twenty-two, eleven hundred and twenty-three, eleven hundred and twenty-four, eleven hundred and twenty-five, eleven hundred and twenty-six, eleven hundred and twenty-seven, eleven hundred and twenty-eight, eleven hundred and twenty-nine, eleven hundred and thirty-one, eleven hundred and thirty-two, eleven hundred and thirty-three, and eleven hundred and thirty-four, (Nos. 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, and 1134), of the official cadastre of the town of St. John's, as well as of the streets marked on such land. Sale of certain lands authorized.

2. The price of sale, when paid, shall be invested or deposited for the benefit of the aforesaid substitution, in accordance with the provisions of article 953a of the Civil Code; and the purchaser shall be free, once for all, from having to see to the reinvestment of the purchase price, Investment of sale price.

provided it shall have been invested by the said institute and the curator, 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.

Coming into
force.

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