



CHAPTER 163

An Act to authorize the sale of a certain immoveable given
to Arthur Fredette by Gédéon Fredette, senior

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

WHEREAS Willie Fredette, farmer, of St. Blaise, in his Preamble.
capacity of curator to the substitution created by
a deed of gift from Gédéon Fredette, senior, to Arthur
Fredette, merchant, of the city of St. John's, the said Arthur
Fredette, institute under the said deed, and as tutor to
his minor son J. Maurice Fredette; Marguerite Fredette,
spinster of the age of majority, and Estelle Fredette, wife
of Georges Phaneuf, physician, of the city of St. John's, and
authorized by the latter, have, by petition, represented:

That on the 24th of August, 1901, before A. N. Deland,
notary, Gédéon Fredette, senior, made a gift *inter vivos* to
his son Arthur Fredette, present and accepting, of the en-
joyment and usufruct of an immoveable in Grand Bernier
range, in the parish of St. John's, now within the boundaries
of the new parish of St. Blaise, known on the official
plan and book of reference of the parish of St. John's, as
the north part of lot 139, containing three and a half
arpents in width by thirty arpents and five perches in
depth, without warranty as to exact measurement, with a
barn thereon erected; the said north part of lot 139,
bounded to the east by the lands of Richelieu range, to
the west by the lands of Little Bernier range, to the north
by lot 138, to the south by the south part of the lot 139,
with substitution of the said immoveable, after the death
of Arthur Fredette, to the children of the latter born and
to be born, and with substitution, in default of children of
the said Arthur Fredette born or to be born, or if the said
children die minors and without issue, to the brothers
and sisters of the said Arthur Fredette;

That it is stipulated in the said deed that the enjoyment of the immoveable shall not be assignable nor seizable until the death of the donee, that is to say until the opening of the substitution;

That at a meeting of the family council on the 4th of November, 1927, Willie Fredette, farmer, was appointed curator to the substitution;

That of the marriage of Arthur Fredette, donee and institute, were born three children: Marguerite Fredette, spinster of the age of majority, Estelle Fredette, wife of Georges Phaneuf, and J. Maurice Fredette, minor, substitutes in the said substitution;

That, on the 4th of November, 1927, Arthur Fredette was appointed tutor to his minor son, J. Maurice Fredette;

That at a meeting of the family council held on the 4th of December, 1929, the petitioners were authorized to apply to the Legislature, to be authorized to sell the immoveable already described for a sum of at least five thousand dollars, the said sum to be invested according to the provisions of article 953*a* of the Civil Code;

That the said immoveable consists of a farm which the institute is obliged to lease at so small a sum that the revenue barely suffices to meet the expense of upkeep, for several years the rent being only two hundred and twenty-five dollars a year, and the institute being obliged to pay the municipal and school taxes and the repairs to the buildings on the property;

That the institute has only had about one hundred dollars of net revenue each year, and, the buildings requiring repairs, the institute will be obliged to pay a sum equal to several years of rent and even to pay out of his own money;

That the said immoveable is worth about five thousand dollars in its present state and is depreciating every day so that the substitutes will not hereafter have the same benefit as they would from a sale now;

That the institute only derives a revenue each year equal to two per cent of the value of the said property, and oftener less;

That the said gift as an alimentary allowance, instead of being a revenue to the institute, will become a burden which it was not the donor's intention to impose upon him;

That all the interested parties are of opinion that the said immoveable should be sold and are agreeable thereto;

That it would to the greatest advantage of the institute and of the substitutes in the substitution that the said immoveable be sold for a sum of at least five thousand dollars, the price to be invested in accordance with the provisions of article 953*a* of the Civil Code, notwithstanding the prohibition to alienate contained in the substituiton;

Whereas it is expedient to grant the prayer of 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. Willie Fredette, farmer, of St. Blaise, curator to the substitution created by a deed of gift by Gédéon Fredette, senior, to Arthur Fredette, dated the 24th of August, 1901, representing the substitutes in the said substitution, and Arthur Fredette, merchant, of the city of St. John's, institute under the said deed, are authorized to sell: An immoveable situated in Grand Bernier range in the parish of St. John's, now within the territory of the new parish of St. Blaise, known on the official plan and book of reference of the parish of St. John's as the north part of lot 139, containing three and a half arpents in width by thirty arpents and five perches in depth, without warranty of exact measurement, with a barn thereon erected; such north part of lot 139 being bounded to the east by the lands of Richelieu range, to the west by the lands of Petit Bernier, to the north by lot 138, to the south by the south part of lot 139, for a sum of not less than five thousand dollars cash, the said sum to be invested by the curator in accordance with the provisions of article 953*a* of the Civil Code, and such sum and the interest it may produce to be non-assignable and unseizable and subject to the terms of the gift.

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

Coming into
force.