

C H A P. 126

An Act respecting a donation by marriage contract by Louis Gervais to Achille Gervais, on the 31st of July, 1899, and to authorize the sale of certain immoveables

[Assented to 22nd December, 1916]

WHEREAS Achille Gervais, heretofore farmer, of the Preamble. city of Salaberry de Valleyfield, has by his petition represented:

That on the 31st day of January, 1899, by marriage contract passed before C. A. Lavimodiere, notary, between the petitioner and Dame Albertine Paiement, his wife, Louis Gervais donated to the petitioner, with substitution to his children, with prohibition to alienate, and declaring the same unseizable, the following immoveables, to wit:

1. A lot of land known and designated as No. 416 on the plan and book of reference of the parish of St. Timothy, in the third concession of Helenstown, containing the said lot of land fifty arpents in area, bounded in front by the road of the Double Range, and on the northeast side by Paul Poirier, with a stone house, barn, stable, shed and other buildings thereon erected;

2. Another lot of land known and designated as No. 501 on the said plan and book of reference of the said parish of St. Timothy, in the fourth concession of Helenstown, containing the said lot of land fifty arpents in area, bounded in front by the said road of Double Range, with a barn thereon erected, the said donor reserving for himself during his lifetime the usufruct of one-half of said barn;

That the said Louis Gervais died at St. Timothy, in the county and district of Beauharnois, on the 15th of August, 1903;

That the petitioner, the donee and institute, has three children, namely: Louis Philippe Gervais, René Gervais and Sylvio Gervais, all minors, who are the substitutes in the said substitution;

That the petitioner, on account of ill health, has been unable to occupy the said lots of land, and for some years has had to rent them;

That an advantageous offer for the purchase of the said lots of land has been made to your petitioner, which, if invested in trust, would realize nearly double the amount of the net rent that has so far been obtained;

That the expenses for repairs and the new buildings that

will be needed and that the petitioner cannot afford, will decrease the value of the said lots of land, and will deprive the institute and substitutes in the said substitution of the income that the donor intended to insure them;

That under the circumstances, it is in the interest of the institute, as well as of the substitutes, that the said immoveables be sold; and that such a sale would agree with the intention of the donor, and better serve the interests of those he wanted to favour;

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:

Authoriza-
tion to sell
certain pro-
perty.

1. The above-mentioned petitioner, Achille Gervais, the tutor to his minor children, and the curator to be appointed to the substitution, may sell, after having previously obtained the consent of the family council duly homologated, the said lots of land known under the official numbers 416 and 501 of the parish of St. Timothy, by private sale and mutual agreement; may receive the price thereof and give a valid discharge to the purchaser; provided the purchase price is invested in accordance with the provisions of article 953*a* of the Civil Code.

Invest-
ment of
purchase
price.

Purchaser
not bound to
see to re-
investment.

2. The purchaser shall not be bound to see to the re-investment of the amount of the purchase price from the moment the same has been invested by the institute in accordance with paragraphs 3 and 4 of the said article 953*a*, 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.

CHAP. 127

An Act to amend the act 5 George V, chapter 161, section 1, respecting the succession of the late James McCready

[Assented to 22nd December, 1916]

Preamble.

WHEREAS Stella Frances McCready Langan, spinster, George Thomas Langan, gentleman, Frederick Francis Langan, gentleman, and Robert Bertie Stuart, acting in his capacity of tutor to his minor child through his late wife,