

That, however, the administration of the estate entails considerable expenses, both for taxes and for fulfilling the obligations of the said estate and for other purposes, especially for the living expenses of herself and children;

That doubts have arisen as to the interpretation of the aforesaid will as to whether the said petitioner could sell, dispose of, alienate or hypothecate the immoveables of her husband's estate, and she wishes, in order to remove such doubts, to obtain an act to that effect from the Legislature of the Province of Quebec;

That, without such act, the petitioner and her family would be greatly embarrassed, and the objects of the said will would not be attained;

Whereas it is expedient to grant the prayer to that effect contained in 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. The said Dame Cléphire Gagnon is hereby authorized **Authorization** to sell, convey, hypothecate and alienate wholly or in part, **to sell.** without judicial formalities, the immoveables belonging to the estate of the late Georges Tétreau, in his lifetime broker, of the city and district of Montreal, to borrow on **To borrow.** the security of such immoveables, and to enjoy the same as **To enjoy as owner.** though she were absolute owner thereof.

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

CHAP. 155

An Act to confirm and ratify a deed of sale from Admiral Nelson Sharp to Joseph Auguste Richard.

[Assented to 5th March, 1915]

WHEREAS Joseph Auguste Richard, merchant, of the Preamble. city and district of Montreal, has, by his petition, represented:

That he purchased from Admiral Nelson Sharp, gentleman, of Montreal, by an authentic deed of sale made at Montreal, before Mtre. Victor Morin, notary, on February 26th, 1913, the property described as follows:

"That certain property situate on the northeast side of St. Dominique street, in the said city of Montreal, bearing No. 521 of the official plan and book of reference

of St. Louis ward of the said city, measuring about thirteen thousand one hundred feet in superficies, English measure, and more or less, without warranty of precise measurement, without buildings thereon erected;”

That by his last will made on the 2nd of October 1868, before P. Mathieu, notary, and colleague, the late Jean Baptiste Desroches left the property in question to his four daughters, viz: Melina Desroches, Angele Desroches, Elizabeth Desroches, and Sophronie Desroches, creating a substitution thereon, and ordering that his said daughters should have only the enjoyment and usufruct of the said immoveable property without the right to sell, exchange, hypothecate or alienate it, and giving the ownership to the children to be born of his said daughters;

That the said late Jean Baptiste Desroches died on the 12th of October, 1878, and one of his daughters, Sophronie Desroches, above mentioned, one of the institutes under the will, died intestate and without children on the 21st of March, 1908, at Montreal;

That the will also provides that the legacies are to take the place of all claims that the heirs might have, as well in the estate and succession of the late Jean Baptiste Desroches as in that of his wife, with whom he was common as to property; the legacies in favour of any that might act contrary to such provision to go to such legatees as abide thereby;

That the said lot above described formed part of the community existing between the late Jean Baptiste Desroches and his wife, who predeceased him.

That one of the daughters of the late Jean Baptiste Desroches, viz: Sophronie Desroches, died as above stated without issue, leaving as heirs her three surviving sisters and Maurice Simeon Desroches, the son of her brother Maurice Abraham Desroches, and in the declaration of transmission registered by the heirs on the 27th of November, 1899, it is declared by the heirs that the lot above described had devolved to them under the terms of the last will and testament of their father, the late Jean Baptiste Desroches;

That the said Maurice Abraham Desroches died at Montreal, on the 26th of January 1897;

That on the 3rd of October, 1911, two of the daughters of the late Jean Baptiste Desroches, viz: Dame Elizabeth Desroches and Dame Melina Desroches, acting in their quality of institutes of the substitution created by said will, and Bernard Melancon, notary, of Montreal, acting in his quality as curator to the substitution, having been appointed curator on the 13th of March, 1911, petitioned one of the honourable judges of the Superior Court at

Montreal for an order to sell judicially the immoveable in question, and this order was granted by judgment rendered by the Superior Court at Montreal on the 14th of December, 1911, in virtue of article 953a of the Civil Code, and this authorization was only granted after the judge had caused to be established that the sale was in the interest of the institutes as well as of the substitutes, and after all the formalities required by law for the final alienation of the substituted property had been complied with;

That the property in question was sold by licitation to Admiral Nelson Sharp, in accordance with the terms of the judgment, in the presence of the institutes and of the curator of the substitution, and, in conformity with the said judgment, the said Admiral Nelson Sharp paid ten thousand dollars cash for said property, and he deposited the balance, to wit: the sum of fifteen thousand dollars, in the hands of the prothonotary of the Superior Court at Montreal by way of judicial deposit in conformity with the provisions of article 953a of the Civil Code;

That the said Admiral Nelson Sharp having become proprietor of the said property under the sale by licitation before the court, sold said property to the petitioner;

That the sale in licitation by the estate Jean Baptiste Desroches was passed before Archambault, notary, of Montreal, on the 18th of March 1912;

That doubts have arisen as to whether the petitioner has a good legal title to the above property under the circumstances, owing to the prohibition to alienate contained in the will, and the question has arisen whether the substitution affecting the share owned by the late Sophronie Desroches was open, and whether the daughters and the nephew, Maurice Simeon Desroches, became undivided owners of said share and were entitled to ask for a partition of the same, among other reasons, because Maurice Simeon Desroches was not a party to the petition and did not demand it, though he did subsequently intervene in the deed of sale of the estate Jean Baptiste Desroches to Admiral Nelson Sharp, and ratified all the proceedings;

That all persons of full age and in the free exercise of all their rights having any rights in the said immoveable property, and all interested parties, were willing that said property be sold on the terms agreed upon;

And whereas it is in the interest of the said petitioner and of all other parties, that the said deed be ratified and confirmed to avail for all lawful purposes;

And whereas the said purchaser has prayed that an act

be passed to remove all doubts relating to the validity of the said deed of sale, and it is expedient to grant the said prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Deed of sale
ratified.

1. The deed of sale dated 26th of February, 1913, made and executed before Victor Morin, notary public, of Montreal, and bearing No. 13432 of the repertory of said notary, said deed of sale being from Admiral Nelson Sharp, gentleman, of Montreal, to and in favour of Joseph Auguste Richard, merchant, of the city and district of Montreal, is hereby ratified and confirmed, and declared legal and valid to all intents and purposes.

J. A. Richard
declared
absolute
proprietor of
property.

2. And it is further declared that in virtue of the said deed of sale, the said Joseph Auguste Richard, merchant, of the city and district of Montreal, became the absolute proprietor of the immoveable property described in said deed, to wit;

Description.

"That certain property situate on the northeast side of St. Dominique street, in the said city of Montreal, bearing No. 521 of the official plan and book of reference of St. Louis ward of the said city, measuring about thirteen thousand one hundred feet in superficies, English measure, and more or less, without warranty of precise measurement, without buildings thereon erected."

Coming into
force.

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

CHAP. 156

An Act respecting the estates of the late Jean Baptiste Beaudry, Hercule Jean Baptiste Beaudry and Dame Marie Josephine Ida Beaudry.

[Assented to 5th March, 1915]

Preamble.

WHEREAS Dame Heva Prévost, wife of Joseph Edouard Auger, and Albert Prévost, physician, together with J. Philippe Lamarche, notary, in his capacity of curator to the substitutions hereinafter mentioned, all of the city and district of Montreal, have, by their petition, represented:

That by his will made before Mr. Belle, notary, on the