

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

6th April, 1863, Jean Baptiste Beaudry, grandfather of the two petitioners, bequeathed the following legacy, namely:

"As to the other moveables and immoveables, *propres et acquêts*, money coined and uncoined, debts due me, moveable and immoveable rights and actions, and generally all I may leave at my death, whatever may be their nature, value, consistency and situation, after the debts I owe, my funeral expenses, and services, masses and legacies above bequeathed have been paid and satisfied, I give and bequeath the enjoyment thereof to the children born and to be born of my marriage with Dame Marie-Anne Dumont, they to have the usufruct of the same during their lifetime under the usual legal charges imposed on usufructuaries, the ownership of the same to belong, after the death of my children or each of them, to the children to be born of their respective marriages, and to be divided among them by roots; and my grandchildren, substituted for my said children by these presents, shall enjoy, do with and dispose of the said property as full owners thereof.

"My usufructuary legatees shall, however, have the right to bequeath the property, whereof they have the usufruct during their lifetime under my present will, to be enjoyed by their children during their lifetime only, and the ownership of such property to their grandchildren;"

That the said Jean Baptiste Beaudry died in the city of Montreal on or about the 29th November 1877, without having revoked his said will, leaving, to succeed him, Dame Emma Zaide Beaudry, Dame Marie Josephine Ida Beaudry, Polyxène Beaudry and Hercule Jean Baptiste Beaudry, all of whom accepted their father's estate;

That, by his solemn will made before Mr. Papineau and colleague, notaries, on the 29th June, 1881, the said Hercule Jean Baptiste Beaudry bequeathed the following legacy:

"As to the residue of my property, moveable and immoveable, rights and actions generally whatsoever, I give and bequeath them to my three sisters, Marie-Anne, Polyxène, Zaide Beaudry, wife of Louis Honoré Fréchette, esquire, advocate, and Marie Josephine Ida Beaudry, wife of Alexis Edouard Armand Prévost, all at present of the said city of Montreal, to be divided by them among themselves, as soon as they may find it advantageous to do so after my death; each one to enjoy the same during her lifetime as a prudent administrator and to transmit the ownership thereof to her children and descendants born and to be born in lawful matrimony, such

children to share the said property in equal shares and by roots;”

“*Fourthly*.—Notwithstanding the substitutions hereinabove by me established, I authorize each of my said sisters to give, by will only, her share of my property, in usufruct only, to her children born and to be born to the first degree, and the ownership thereof to her grandchildren, and without being obliged to maintain equality between her said children of the first or further degree, leaving her full power to give more to some and less to others.”

That the said Hercule Jean Baptiste Beaudry died long ago, and that all the said legatees accepted the said legacies;

That, by her solemn will made before Mr. Brault and his colleague, notaries, on the 23rd May, 1891, Dame Marie Josephine Ida Beaudry, wife of the said Armand Prévost, bequeathed the following legacy:

“I give the usufruct of all my personal property to Mr. Armand Prévost, my beloved husband, such usufruct not to be transferable nor liable to seizure, and the ownership of the said property shall belong to my children. My husband shall, however, have the right to sell such property by mutual agreement, provided always that he shall reinvest the proceeds of such sales;

“By the will of the late Mr. Jean Baptiste Beaudry, my brother, made before J. Belle and colleague, notaries, on the sixteenth April, one thousand eight hundred and sixty-three, and that of Mr. Hercule Jean-Baptiste Beaudry, my brother, made on the twenty-ninth January, one thousand eight hundred and eighty-one, before D. E. Papineau, and his colleague, notaries, it is provided that I can delay the coming into the ownership of the properties mentioned in the above wills, and I therefore order that my children shall have the usufruct only, not to be transferable nor liable to seizure, of such properties during their lifetime, the ownership to belong to their children, that is to say, that I extend the substitution in the two successions by one degree.”

That the said Dame Marie Josephine Ida Beaudry died on or about the 24th May, 1891, leaving two children, the said Dame Héva Prévost and Albert Prévost, who accepted the said legacy;

That, by a judgment rendered by Honourable Mr. Justice Taschereau, on the 14th November, 1890, in a case bearing the number 817 of the records of the Superior Court for the district of Montreal, in which the said Dame Emma Zaide Beaudry was plaintiff, and her said sisters defendants, a judicial partition was made and homologated

of the moveables and immoveables of the estates of the said Jean Baptiste Beaudry and Hercule Jean Baptiste Beaudry, and the mother of two of the petitioners, Dame Marie Josephine Ida Beaudry Prévost, received her share of the moveables and immoveables in kind, and that, at her death, such share was transmitted to her two children, two of the petitioners;

That the immoveables which the petitioners, Dame Héva Prévost and Albert Prévost, inherited from their mother, uncle and grandfather consist chiefly of lands of considerable value, but of old, dilapidated and out-of-date buildings;

That they are consequently obliged to effect extensive repairs, and even to rebuild in some cases;

That the revenues from the said immoveables are not proportionate to their value, and the municipal taxes absorb a large portion of such slender revenue;

That by selling, exchanging or hypothecating one or more of such immoveables, the petitioners could either reinvest the proceeds in other immoveables, or rebuild and increase the value of the other immoveables or of such as they might acquire, to the great benefit of the said estate; that the same applies to the moveables, consisting chiefly of shares in commercial companies.

That for some years the cost of living has greatly increased, and one of the petitioners, Dame Héva Prévost, does not derive enough from the said estate to enable her to live according to her condition, and that she has no other resources, as she has lived separated from her husband for a long while;

That the said Dame Héva Prévost, the wife of Joseph Edouard Auger, has no children, and was married under the regime of separation as to property;

That the other petitioner, Albert Prévost, has only one child, which is very young;

Whereas it is expedient to grant the petitioners' prayer;

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

1. Notwithstanding the provisions of the said wills of the late Jean Baptiste Beaudry, Hercule Jean Baptiste Beaudry and of the late Dame Marie Josephine Ida Beaudry, wife of Alexis Edouard Armand Prévost, the above-mentioned petitioners may, jointly before and separately after the partition, and with the concurrence of the curator to the said substitutions, borrow on such terms and conditions as they may deem

Authoriza-
tion to bor-
row on
security of
immove-
ables.

suitable, all the amounts required for improving or reconstructing the buildings erected on any of the said immovables of the said estates, and hypothecate the whole or any portion of the said immovables, by securing the payment and reimbursement of the sums loaned and the contingencies of such loans; alienate, sell or exchange, by mutual agreement, from time to time as opportunity arises, and without any judicial formalities or convening of a family council, the whole or any portion of the moveables and immovables at such prices and on such terms and conditions as they may deem advisable; provided that, if the proceeds of such sales are not used for improvements or rebuilding as above stated, the reinvestment of the proceeds of such sales or any surplus of the price not used as above stated, shall be effected in accordance with the provisions of article 953*a* of the Civil Code, the purchaser in all cases being relieved from further responsibility after seeing to the reinvestment of the purchase price, according to the provisions of this act; and share, by mutual agreement, the said moveables and immovables or the proceeds of the sale thereof, or of their reinvestment.

Dame Heva
Prévost may
alone pass
deeds.

Authoriza-
tion of a
judge.

Costs of this
act.

2. The said petitioner, Dame Héva Prévost, may alone pass and enter into each and every of the said contracts of alienation, sale, exchange, hypothec, purchase and partition, as well as all other contracts connected with the moveables and immovables of the said estates, without being bound to obtain or even to ask her husband's authorization, but merely with the authorization of a judge in chambers.

The expenses incurred in obtaining the passing of this act shall be at the charge of the substitution, and the petitioners shall have the right to take the sums required for payment of the same from the moneys borrowed or derived from the alienation of the said moveables and immovables.

Coming into
force.

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