

C H A P . 1 5 9

An Act to authorize Charles F. Olivier or his successors in title to hypothecate lot number 236 of the cadastral plan and book of reference of the centre ward of the city of Sherbrooke, and to confirm any hypothecs already granted on said lot.

[Assented to 5th March, 1915]

WHEREAS Charles Frederick Olivier, merchant; Eugène Frederick Olivier, merchant; Hector Edmond Olivier, clerk; Hortense Lydia Olivier, and Elizabeth Olivier, spinsters of the age of majority, all of the city of Sherbrooke, in the Province of Quebec, have by their petition represented:

That by deed of donation passed before J. T. L. Archambault, notary public, at the city of Sherbrooke, on the 18th day of January, 1884, Dame Marie Boudreau, widow of the late Valère Olivier, in his lifetime of the village of Lennoxville, in the Province of Quebec, did give and grant to her two sons, Albert W. Olivier, and the petitioner, Charles F. Olivier, the lot number two hundred and thirty-six (236) on the official cadastral plan and book of reference for the centre ward of the city of Sherbrooke;

That the said Albert W. Olivier is now deceased;

That Dame Thénia J. Baird, widow of the said late Albert W. Olivier, and one Léandre Proulx, of the city of Sherbrooke, were appointed tutrix and subrogate tutor respectively to the minor children of the said late Albert W. Olivier;

That, by order of the Superior Court for the district of Saint Francis, the said Thénia J. Baird and Léandre Proulx, in their said quality, were authorized to sell the undivided half of the said property belonging to the minor children of the said late Albert W. Olivier, and did sell the same to the said Charles F. Olivier, who thereupon became the sole owner of the said lot number 236;

That by the said deed of donation from the said late Dame Marie Boudreau to the said Albert W. Olivier, and the petitioner Charles F. Olivier, it is provided as follows:

“She further stipulated that the immoveable above given, as well as the replacement thereof, and all the revenues from the said immoveable, shall never be liable to seizure, nor liable for the present or future debts or obligations of the said donees for any reason whatsoever”;

That the petitioner Charles F. Olivier and the other petitioners as his heirs-at-law, are the only persons to whom the said clause can be of any benefit;

That the petitioners, Eugene F. Olivier, Hector E. Olivier, Hortense L. Olivier and Elizabeth Olivier, are all now of the age of majority;

That it is in the interest of all the petitioners that the said clause shall be done away with, in order that the said lot number 236, on the official cadastral plan and book of reference for the centre ward of the city of Sherbrooke, may be validly hypothecated, to secure any loan or loans which the owners thereof may deem it expedient to contract;

That the said Charles F. Olivier, in good faith, believing that he had the right so to do, hypothecated the said property as security for a certain loan made by him, which said hypothec was duly registered against the said property;

Whereas the said petitioners have prayed for the passing of an act to authorize the said Charles Frederick Olivier, or his successors in title, to hypothecate the said lot number 236 of the official cadastral plan and book of reference of the Centre ward of the city of Sherbrooke; and

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:

Clause in deed of donation cancelled.

1. The following clause in that certain deed of donation from the late Dame Marie Boudreau, widow of the late Valère Olivier, in his lifetime of the village of Lennoxville, in the Province of Quebec, to Albert W. Olivier, and Charles F. Olivier, made and executed at the city of Sherbrooke on the 18th day of January, 1884, before J. T. L. Archambault, notary public, is hereby cancelled and done away with, to wit:

"She further stipulated that the immoveable above given, as well as the replacement thereof, and all the revenues from the said immoveable, shall never be liable to seizure, nor liable for the present or future debts or obligations of the said donees for any reason whatsoever."

Hypothecation authorized.

2. It shall be lawful, notwithstanding the said clause mentioned in the foregoing section, for the said Charles F. Olivier, or his successors in title, as owner or owners of the lot number 236, of the official cadastral plan and book of reference for the centre ward of the city of Sherbrooke, to hypothecate the said lot as security for any loan or loans that he or they may contract.

3. That certain hypothec created by a deed passed before E. P. Felton, N. P., the 16th day of November, 1905, by C. F. Olivier to the heirs of the late Henry Speid, and transferred by A. T. Speid to Misses Mary and Ellen Woodward by deed of transfer passed before E. B. Worthington, N. P., on the 29th day of August, 1911, and that certain hypothec created by a deed of obligation and mortgage passed before E. B. Worthington, N. P., on the 29th day of August, 1911, from Charles F. Olivier, to Misses Mary Woodward and Ellen Woodward, shall be good and valid in the same manner as if the said clause had never been written.

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

Hypothecs
ratified.

Coming into
force.

C H A P . 1 6 0

An Act for the relief of the universal legatees of the Honorable Joseph Octave Villeneuve.

[Assented to 5th March, 1915]

WHEREAS Jacques Villeneuve, merchant's clerk, of the city of Montreal, has, by petition, represented:

Preamble.

That by his will dated the 16th October, 1900, before Messrs. Joseph P. Landry and Hilaire Hurteau, notaries, the Honorable Joseph Octave Villeneuve, senator of the Dominion of Canada, after certain special legacies, bequeathed the surplus of his moveable and immoveable property to the children born and to be born of his children Jacques, Eugène, Frédéric and Rachel, in equal shares, constituting them his universal legatees, and that the testator died on the 7th June, 1901;

That by the fifth clause of his will, the testator charged his testamentary executors to provide for the maintenance and education of his universal legatees, and, to that effect, authorizes them to pay them an annual rent of two hundred dollars, from the age of eight years, and at their majority to pay them the capital of such rent, which he fixed at four thousand dollars;

That the said testator ordered that the surplus of the property bequeathed to his universal legatees should remain in the possession of his testamentary executors until the final partition thereof, which was to take place twenty years after his death; and that the interest on the capital and