

in the final distribution, the amounts so paid shall be chargeable to the mass.

4. This act shall come into force on the day of its <sup>Coming</sup> sanction. <sub>force.</sub>

## C H A P . 1 6 2

An Act to authorize Edmond Beaudoin, *es-qualité*, to sell certain immoveables.

[Assented to 5th March, 1915]

**W**HEREAS Edmond Beaudoin, of St. Louis de Cour-ville, has, by his petition, represented: Preamble.

That Edouard Vachon, of the parish of Beauport, was the owner of the southwest half of an immoveable known and designated as number 59 of the cadastre of the parish of Beauport, and that his sister Esther Vachon was the owner of the northeast half of the same immoveable;

That the said Edouard Vachon, by his will before E. O'Brien, notary, dated the 15th March, 1895, bequeathed all his property (among which was the southwest half of the said lot No. 59 of the cadastre of Beauport) to his son Edouard Vachon, and died on the 28th day of March, 1895, without having revoked his will, which was registered at Quebec on the 16th April 1895, under the No. 93914;

That the said Edouard Vachon, junior, by his will before E. O'Brien, notary, dated the 24th January, 1897, bequeathed all his property to his wife, Dame Emilie Beaudoin, and died on the 13th June, 1903, without having revoked his will, which was registered at Quebec on the 17th October, 1903, under the No. 112307;

That at the time of his death the said Edouard Vachon had three children issue of his marriage with the said Emilie Beaudoin, to wit: Emelia Vachon, now unmarried and of full age of majority, Anna Vachon, now aged nineteen years, and Edouard Vachon, now aged fourteen years;

That at the time of the death of the said Edouard Vachon, the southwest half of the said lot No. 59, of the parish of Beauport, belonging to him, became the property, as to one half, of his wife Emilie Beaudoin, in her capacity of her husband's universal legatee under the will above mentioned, and as to the other half, of his children, Emelia, Anna and Edouard Vachon under their mother's dower;

That the said Esther Vachon, the owner of the northeast

half of the said lot No. 59 of the cadastre of Beauport, by her will before J. D. Marcoux, notary, dated the 6th July, 1903, bequeathed the usufruct of all her property to the said Emilie Beaudoin, widow of the said Edouard Vachon, her brother, under the following conditions: "She shall give or bequeath the said property to her son Edouard Vachon, issue of her marriage with the said Edouard Vachon; and in the event of her re-marrying, all the said property shall revert to the said Edouard Vachon, her said son, immediately upon her re-marriage, and, in the event of the death of the said Edouard Vachon, then the two young daughters of the said Emilie Beaudoin and of the said Edouard Vachon, called Emelia and Anna, shall be entitled to my estate, which I give and bequeath to them, in the event of their surviving the said Edouard Vachon, their brother. If the said children pre-decease the said Emelie Beaudoin, their mother, then the latter may dispose of my said property as full owner thereof;"

That the said Esther Vachon died on the 20th December, 1905, without having revoked her will, which was registered at Quebec on the 5th April, 1906, under the No. 118882;

That the said Dame Emelie Beaudoin, widow of the said Edouard Vachon, died on the 2nd April last, (1914), without having re-married, without making a will, and without having given her son Edouard Vachon the said property, which had been bequeathed to him by the said Esther Vachon, but leaving as her sole heirs her children above mentioned, to wit: Emelia, Anna and Edouard Vachon;

That the said Edouard Vachon, as institute in the substitution created by the will of the said Esther Vachon, is now the sole owner of the northeast half of the said lot No. 59 of the cadastre of the parish of Beauport, and that the said Emelia and Anna Vachon and the said Edouard Vachon, are, both as their mother's heirs and as heirs under her dower, with regard to their father's share, owners of the southwest half of the same number of the cadastre;

That the said lot No. 59 has been subdivided into building lots, and now comprises numbers 1 to 184 inclusive, of the subdivision of lot No. 59 of the cadastre of the said parish of Beauport, and the unsubdivided part of the same number;

That by act of tutorship, homologated before the court on the 9th April last, the said Edmond Beaudoin was appointed tutor to the said Edouard and Anna Vachon, and Jules Beaudoin their subrogate tutor;

That the revenues of the said immoveable No. 59 of the cadastre of Beauport and its subdivisions do not suffice for the subsistence of the said minors; that the municipal

and school taxes and other charges and the cost of cultivation absorb nearly all the revenues;

That such immovable has, however, acquired considerable value as building lots, inasmuch as a new parish has been erected at that place under the name of St. Louis de Courville, and the church and presbytery of the said new parish have been built on the said immovable; that several persons desiring to build in the vicinity of the church have asked to purchase several of the lots so subdivided; that the petitioner would thus derive a considerable revenue for his wards through the sale or concession of such building lots; that it is also in the interest of the new parish that such lots be sold to permit the extension of the village and to not delay its progress;

That it is impossible to sell or concede any such lots without, in each case, observing the formalities required for the sale of the property belonging to minors and without having a sale by auction, which would entail heavy expenses;

That it is therefore in the interest of the said minor children to sell, jointly with their co-proprietor Emelia Vachon, of the full age of majority, the whole or part of the said lots by private sale and by mutual agreement, at a suitable price, and to obtain the necessary authorization for such purposes;

Whereas the petitioner has prayed for the passing of an act authorising him to sell the aforesaid lots jointly with the said Emelia Vachon, by mutual agreement, by private sale, it is expedient to grant such prayer,

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

**1.** The above mentioned petitioner Edmond Beaudoin, <sup>Authoriza-</sup> in his capacity of tutor to Anna and Edouard Vachon, or <sup>tion to sell.</sup> his successor as such, after having previously obtained the consent of a family council, duly homologated, is authorised to sell jointly with Emelia Vachon, and with the said Anna Vachon when she shall have attained her majority, the said lots, either in a block or in portions, by private sale and by mutual agreement, to receive the price thereof and give a valid acquittance therefor to the purchaser, provided the share of the price of sale coming <sup>Proviso.</sup> to the said minor children be deposited in the *Caisse d'Economie de Notre-Dame de Québec*, and cannot be withdrawn therefrom during the minority of such minor children, except under an order of a judge or of the prothonotary on the advice of a family council, to be invested

in accordance with the provisions of article 981o of the Civil Code.

Purchaser not bound to see to re-investment.

**2.** The purchaser of the whole or any part of such lots shall not be bound to see to the re-investment of the price of sale of such lots when he shall have deposited the share of the said minors in the said *Caisse d'Economie de Notre-Dame de Québec*, and received a receipt for such deposit.

Payments authorized.

**3.** The said *Caisse d'Economie* may, however, without any order from the court, pay to the petitioner, or his successor in office, the interest on such deposit without having to see to their investment, and it may also pay the capital so deposited to each of the said minor children, upon their respectively attaining the age of majority.

Employment of interest and revenues.

**4.** The petitioner or his successor in office shall employ the interest and revenues of such price of sale for the maintenance and education of the said minors.

Costs of this act, &c.

**5.** The expenses incurred for the passing of this act and two-thirds of those incurred for the subdivision plans of the said lots shall be at the charge of the said minor children, and shall be paid from the price of the first sale. The receipt establishing the payment of such expenses given to any purchaser of such lots, shall be the latter's voucher for the payment of his price of sale, as if such receipt had been given by *La Caisse d'Economie de Notre-Dame de Québec*.

Coming into force.

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

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## C H A P . 1 6 3

An Act respecting the last will and testament of the late  
Charles Eleazar Levey

[Assented to 5th March, 1915]

Preamble.

**W**HEREAS Alfred Edward West, of Kilcronney Bray, in the county of Wicklow, in Ireland, gentleman; Edward Graves Meredith, of the city of Quebec, notary public; Ernest Frederick Wurtele, of the city of Quebec, chartered accountant; The Royal Trust Company, a body politic and corporate, having its chief place of business at the city of Montreal; and Reginald Meredith, of the city