

C H A P . 1 3 2

An act respecting the estate of the late Aimé Joseph Achille Roberge.

[*Assented to 24th March, 1911*]

Preamble.

WHEREAS, Dame Marie Anne Bernadette Eliza Roberge, of the town of Laprairie, wife separated as to property of Louis Conrad Pelletier, advocate and King's counsel, of the same place, who authorizes his wife for such purpose, and Dame Marie Louise Cécilia Roberge, of the city of Montreal, wife separated as to property of Louis Joseph Pelland, city employee, of the same place, who also authorizes his wife for such purpose, have, by their petition represented :

That by a holograph will at Laprairie on the 25th July, 1892, probated in the prothonotary's office of the Superior Court at Montreal, on the 14th March, 1901, and registered in the registration division of the county of Laprairie on the 15th March, 1901, the late Aimé Joseph Achille Roberge, in his lifetime notary public, of Laprairie, did, after certain specific legacies, constitute his two daughters, the aforesaid petitioners and his sons Joseph and Clovis, his universal legatees as to ownership ;

That among the property composing such estate are immoveable properties situate in the village of Laprairie, and several farms in the adjacent country ;

That such property and farms form about one half of the property of the estate ;

That by the terms of the will the parish priest of Laprairie and his successors in office, were designated as testamentary executor and administrator and was empowered and authorized during the whole time necessary for the execution of the will, to dispose of the immoveable properties of the said estate, in the same manner as the moveable property, as he might think proper, by public or by private sale without any judicial authorization or notice of a family council being necessary ;

That, however, it is stated in the said will that the property bequeathed shall not be transferable ;

Whereas the testator does not seem to have wished to forbid the sale of his immoveable properties, since he gave his testamentary executor and administrator the power to sell them at will as aforesaid ;

Whereas, in fact the said executor and administrator has from 1901 to 1907, the period of his administration, alienated and sold a considerable number of the said immoveable properties, to wit more than one half of the same ;

Whereas it is in the interest of the estate that all such immoveable properties be converted into money, and that if

the administrator has not alienated them all, as he would have liked to have done, it was due to the fact that he could not find suitable purchasers at the time;

Whereas, the two sons who were universal legatees of the said late Aimé Joseph Achille Roberge both died childless and unmarried, the former before, and the latter after him, in January, 1908 ;

Whereas Dame Eliza Poissant, wife of the said J. A. Loberge, is also dead ;

Whereas the only immoveable property belonging to the said estate and still existing in kind, are the farms situated in the county of Laprairie ;

Whereas the petitioners can never, either by themselves or by their representatives, cultivate and operate the said farms ;

Whereas it is in the interest of the petitioners that the said farms be alienated, in order to convert the price thereof into money, so that it may be used for the purchase of town property ;

Whereas the petitioners have, in fact, consented to the sale of one of such farms to one F. X. Roy, by deed to that effect before Mr. H. Brouillet, on the 29th November, 1910;

Whereas doubts have arisen in respect to the legality of such sale, and of the petitioners' right to effect such alienations, in view of the aforesaid clause, forbidding transfers;

Whereas, all the parties interested consent to this act;

And whereas it is expedient to grant the prayer 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. Notwithstanding anything contained in the will of the late Aimé Joseph Achille Roberge, made on the 25th July, 1892, probated on the 14th March, 1901, and registered on the fifteenth of the same month, which may be interpreted as a prohibition to alienate, the universal legatees therein mentioned, and their legal representatives are authorized to sell, hypothecate, or otherwise alienate the moveable and immoveable property they have received by and in virtue of the said will, and to give good and valid title deeds therefor to every purchaser.

Sale, &c., of certain property, authorized.

2. The deed of sale before Mr. H. Brouillet, notary public, on the 29th November, 1910 by the universal legatees of the said A. J. A. Roberge to F. X. Roy, of one of the farms form-

Certain deed of sale confirmed, &c.

ing part of the property of such estate, is hereby ratified and confirmed.

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

C H A P . 1 3 3

An Act respecting certain prohibitions to alienate contained in a deed of gift by John Roberts and in his will.

[Assented to 14th March, 1911]

Preamble.

WHEREAS Amos Roberts, formerly of the parish of Ste Foy, in the county of Quebec and now of Malden in the State of Massachusetts, one of the United States of America ; Dame Emma Anna Sturgeon, widow of the late John Roberts, in his lifetime of the parish of Ste Foy, she herself now residing in the city of Quebec ; and Henry *alias* Harry Roberts, formerly of the parish of Ste Foy and now also of the city of Quebec, have, by their petition, represented :

That the said Amos Roberts is the owner of certain lots of land situate in the parish of Ste Foy, given him by his father, John Roberts, now deceased, under a deed of gift before Geo. P. Chateauvert, notary, dated at Quebec the 15th September, 1901, under the No. 4027 of his minutes, and duly registered at Quebec ;

That the said deed of gift contains a prohibition to alienate ;

That the said Henry *alias* Harry Roberts is the owner of an undivided half of certain lots of land situate in the parish of Ste Foy, bequeathed to him by his father, John Roberts, now deceased, under his authentic will made before Geo. P. Chateauvert, notary, on the 15th September 1901, under the No. 4028 of his minutes and duly registered ;

That the said widow John Roberts is the owner of the other undivided half of the immoveables bequeathed to Henry Roberts ;

That the said legacy to Henry Roberts contains a prohibition to alienate ;

That the will of the said John Roberts creates a substitution in favor of Henry Roberts for the lands of Amos Roberts and in favor of Amos Roberts for the lands of Henry Roberts ;

That Amos Roberts is prepared to renounce all his eventual rights in the property of his brother Henry and that the said Henry Roberts is prepared to renounce his eventual rights in the property of his brother Amos ;

That the said Amos Roberts left the parish of Ste Foy to