

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.

CHAP. 133

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

seek his fortune in the United States and, through unfortunate circumstances, is very poor and unable to provide for the subsistence, maintenance and education of his children ; that his farm is neglected and loses in value from year to year ; that he has been offered what he considers an advantageous price for his land provided he can give a good and valid title to the purchaser and that it would of the greatest advantage to the said Amos Roberts and his family if he were able to accept such offer and sell his property ;

That the said widow John Roberts and the said Henry *alias* Harry Roberts are poor and do not possess the necessary means for their subsistence and that of their families ; that they have been offered what they consider an advantageous price for their land, provided they can give good and valid titles for the whole and that it would be a great advantage to them if they could accept such offer ;

Whereas it has been further represented that the offer in question to Amos Roberts is one of \$12,000, payable in cash, for which he has promised to sell his said properties to Constant Napoleon Falardeau of Quebec, according to the promise of sale by private deed before witnesses and duly authenticated, made at Malden, in the State of Massachusetts, on the 16th December, 1910, and deposited by the said C. N. Falardeau amongst the minutes of S. Jules Larue, notary of Quebec, on the 19th of December, 1910, and that the offer in question to the said Dame Widow John Roberts and the said Henry *alias* Harry Roberts, is one of \$15,000, payable cash, for which they have promised to sell their said properties to the said C. N. Falardeau by authentic deed before S. Jules Larue, notary, at Quebec on the 6th December, 1910, the said promises of sale subject to the passing of an act at the expense of the said C. N. Falardeau to authorize the execution thereof.

Whereas the petitioners have prayed that an act be passed to the above effect 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 the prohibition to alienate imposed upon Amos Roberts by the deed of gift executed before Geo. P. Chateauvert, notary, at Quebec, on the 15th September 1901 under the No. 4027 of his minutes ;

Sale of certain immovables authorized, &c.

Notwithstanding the prohibition to alienate imposed upon Henry *alias* Harry Roberts by the third clause of the authentic will of John Roberts made before Geo. P. Chateauvert, notary, at Quebec on the 15th September 1901, under the No. 4028 of his minutes ; and

Notwithstanding all the provisions of the said deed of gift and will to the contrary ;

The promise of sale by private deed made by the said Amos Roberts at Malden aforesaid on the 16th December, 1910, in favour of the said C. N. Falardeau, and by him deposited among the minutes of the notary, S. Jules Larue, at Quebec on the 19th December, 1910, is declared executory as regards the immoveable property therein described, namely, the south-east part of lot No. 214 and lots Nos. 277, 352 and 353 of the official cadastre of the parish of St. Foye, in the county of Quebec. The mandatory of the said Amos Roberts therein named with the concurrence of the curator appointed or to be appointed to the substitution created under the aforesaid donation, shall execute a good and valid title to the said C. N. Falardeau for the sum of \$12,000.00 payable cash, to be invested or deposited under the provisions of article 953a of the Civil Code and the said purchaser shall be discharged from following the amount of his purchase price once for all from the moment the same has been invested by the institute or his mandatory in accordance with the provisions of paragraphs 3 and 4 of the said article 953a or has been deposited in the hands of the prothonotary according to paragraph 5 of the same article.

The promise of sale by authentic deed made by the said Dame Emma Anna Sturgeon, widow of the late John Roberts and the said Henry *alias* Harry Roberts, before said notary S. Jules Larue at Quebec, on the 16th December, 1910, in favor of the said C. N. Falardeau, is declared executory as regards the immoveable property therein described, namely the south-west part of lot No. 214 and lots Nos. 275 and 276 of the official cadastre of the parish of Ste. Foye, in the county of Quebec, and the said Dame Emma Anna Sturgeon, for herself, and the said Henry *alias* Harry Roberts, with the concurrence of the curator appointed or to be appointed to the substitution created under the will aforesaid, shall execute a good and valid title to the said C. N. Falardeau for the price of \$15,000.00 payable cash; they shall receive each one half, and shall give a final discharge subject as regards the half belonging to the said Henry *alias* Harry Roberts to his half of the said price being invested or deposited in accordance with the provisions of article 953a of the Civil Code ; and the said purchaser shall be discharged from following the amount of his purchase price once for all from the moment it has been invested by the said institute in accordance with paragraphs 3 and 4 of the said article 953a or deposited with the prothonotary in accordance with paragraph 5 of the same article.

The said Dame Widow John Roberts, and Henry *alias* Harry Roberts, with the concurrence of the said curator, may sell

their other properties, namely Nos. 257 and 351 of the cadastre of the parish of Ste. Foye, which is subject to the same substitution, on condition that the share of the purchase price coming to the institute be invested or deposited by the purchaser in accordance with the provisions of article 953a.

2. The expenses incurred in the passing of this act shall be borne by the purchaser. Expenses of act.

3. This act shall not affect the leases of the said immoveable property which may have been made by the said proprietors. Saving clause.

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

C H A P . 1 3 4

An Act respecting the estate of Alfred Roy, junior.

[Assented to 14th March, 1911]

WHEREAS Dame Anathalie Favreau, widow of Alfred Roy, junior, in his life-time of the city and district of Montreal ; Alfred Nap. Roy, testamentary executor and administrator of the estate of the said Alfred Roy, junior ; Antoine Ad. Roy, curator to the substitution of Alfred Roy, junior ; Maria Roy, wife separated as to property of Algenaphe Gervais, by the latter duly authorized and representing her minor children : Victor, Armandine, Berthe and Marie-Thérèse ; Angéline Roy, widow of Henri Lefort, manager, in her capacity of tutrix to her minor children : Guy, Ivette and Louissette ; Alberta Roy, wife separated as to property of Adélard Fortier, and the latter, both to authorize his wife and as representing his minor children : Roger, Yves and Paul, Fortier, all of the city and district of Montreal have, by their petition, represented:

That by his will, before Mr. Ladislas Archambault, notary public, made in Montreal on the 5th June, 1893, Alfred Roy, junior, appointed his five children, Alfred Napoleon, Antoine Adolphe, Maria, Angelina and Alberta, his heirs and legatees in the manner hereinafter set forth, and appointed as his testamentary executor and administrator Alfred Napoléon Roy, above mentioned, with full powers beyond a year and a day ;

That, in deference to the wish expressed in the will by the the said testator, his widow Dame Anathalie Favreau, has transferred and made over to the estate of the said husband, all her rights, advantages and property, in exchange for an