

## CHAP. 108

An Act to validate a certain deed of sale between Dame Emma Zaïde Beaudry, widow of the late Louis Fréchette, and Bernard Bloomfield, and the use of certain moneys by the said Louis Fréchette in his capacity of administrator

[Assented to 4th June, 1910]

**W**HEREAS Dame Emma Zaïde Beaudry, widow of the late Louis Fréchette, of the city and district of Montreal has by her petition represented : Preamble.

That in her capacity of particular institute in the succession of the late Hercule Jean-Baptiste Beaudry, her brother, under the will of the said Hercule J.-B. Beaudry, dated the 29th January, 1881, before E. Papineau, notary public, and Victor Morin, notary public, and a judicial partition, homologated on the 14th November, 1890, by the Superior Court, at Montreal, she was given as part of her share in the said estate, a certain immoveable, situate in St. Louis ward, of the city of Montreal, bearing the No. 1 of the subdivision of lot No. 47 of the official plan and book of reference of the said St. Louis ward, according to the sub-division plan of the said No. 47, made on the 9th December 1881 and deposited in the registry office of Montreal East on the 14th of the same month ;

That, under the will of the said Hercule J.-B. Beaudry, the petitioner had the right to sell the said immoveable for an amount approximate to its real value at the time of the alienation thereof, as ascertained by two experts to be chosen by her for the purpose, she being bound to invest the proceeds of the sale in public securities of the government of Canada or of the Province of Quebec, or of the city of Montreal, or upon good first mortgages on immoveables producing a revenue and not beyond one half the amount of the estimated value of such property, as determined by at least two experts at the time of the loan ;

That on the 30th April, 1894 the petitioner sold with her husband's authorization, the said immoveable to Mr. Bernard Bloomfield, of the city of Montreal, for the sum of eleven thousand five hundred dollars, by deed before Mr. H. A. A. Brault, under No 4884 of his minutes ;

That by the said deed of sale the petitioner undertook to invest the price of sale in accordance with the terms of the will of the said late Hercule J.-B. Beaudry, as above stated ;

That such investment does not seem to have been made in accordance with the terms of the will of the late Hercule J. B. Beaudry, by the late Louis Fréchette, the petitioner's administrator, but that the said Louis Fréchette during his ad-

ministration spent a portion of the proceeds of the sale of the said immoveable upon other immoveables which the petitioner received from the late Jean-Baptiste Beaudry, her father, or the late Hercule J. B. Beaudry, her brother, as institute in the substitution, and the other portion in the interest of the children born of his marriage, with the petitioner, the substitutes in the substitution created by the late Hercule J. B. Beaudry ;

That, owing to the clause in the will of the late Hercule J. B. Beaudry determining the method of investing the moneys derived from the sale of the said immoveable, serious doubts may arise as to the validity of the said alienation and the assigns of the original purchaser urge the petitioner to give them a clear title ;

That the petitioner has three children who are substitutes in the substitution established by the late Hercule J. B. Beaudry ; Jeanne, wife of Honoré Mercier, advocate, of the city of Montreal, and member of the Legislature of Quebec, having three children living ; Louise, wife of Henri A. Béique, advocate, of the city of Montreal, having one child living, and Pauline, a minor daughter ;

Whereas the said children : Jeanne, authorized by her husband in so far as need may be ; Louise, authorized by her husband in so far as need may be, and the tutrix and subrogate tutor to Pauline, and the said Pauline now over twenty years of age, have taken cognizance of this act and have approved of the same ;

Whereas the petitioner prays for the passing of an act to validate the deed of sale dated the 30th April, 1894, before Mr. H. A. A. Brault, under the No. 4884 of his minutes, notwithstanding the clause respecting the investment therein contained and to declare good and valid the investment of the proceeds of the sale of the property mentioned in the said deed by the said Louis Fréchette, in his capacity of administrator for the petitioner, and

Whereas it is expedient to grant the prayer to that effect 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 :

Certain deed  
of sale ratified,  
&c.

**1.** Notwithstanding the clause respecting investment contained therein and the specific non-execution thereof, the deed of sale dated the 30th April, 1894, before Mr. H. A. A. Brault, under No. 4884 of his minutes, is declared to be good and valid to all intents and purposes, and shall constitute a clear title in favor of the purchaser designated therein.

Dame E. Z.

**2.** Dame Emma Zaïde Beaudry, widow of the late Louis

Fréchette, shall not be bound to see to the use or re-investment of the moneys derived from the sale mentioned in section 1 of this act, and the use of the said moneys made by the said Louis Fréchette, in his capacity of administrator, is declared valid to all intents and purposes. Beaudry not bound to see to application of certain money.

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

## CHAP. 109

An Act to ratify a certain deed of gift by Pamphile P. V. DuTremblay to Raoul DuTremblay, under certain restrictions

[Assented to 4th June, 1910]

**W**HEREAS, Raoul DuTremblay, farmer, of Ste. Anne de la Pêrade, in the county of Champlain, has, by his petition represented : Preamble.

That by various deeds of concession, the seigniors of the *fiefs* and seigniories of Ste. Anne and of Dorvillier, granted to the grantees of certain lands in the said seigniories a right of pasture in common, on a land now known and designated on the official cadastre of the parish of Ste. Anne de la Pêrade, under the No. 43 ;

That by the act 1 William IV, chapter 31, the Legislature of the former Province of Lower Canada had granted to the persons who had such rights of pasture in common, a charter for the governing of the said land, until the 1st May, 1850, but since the latter date, no provision has existed regarding the administration and use in common of the said land ;

That when the seigniorial cadastre of the said seigniories was made, the said land was entered as being the property of the said seigniors, but was designated under the name of "the common," and that all the inhabitants who had, owing to their respective concessions, the right to pasture and had not retroceded the same to the seigniors, were entered as having the right of commonity therein, on account of their lands ;

That on the 16th May, 1876, the *fief* and seigniority of Dorvillier and all the rights connected therewith were acquired from the sheriff of the district of Three Rivers by the Reverend Isidore Béland, as being the last and highest bidder at the sale thereof, under judgment ;

That on the 11th May, 1877, by authentic deed before P G. Beaudry, notary, Pamphile P. V. DuTremblay himself