

specting im-
moveables.

Lieutenant-Governor in council, transmit a statement of the immoveables held by it in virtue of this act.

Coming into
force.

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

CHAP. 107

An Act to authorize the heirs of the late A. G. Belleau to sell to Alexandre Gauvreau, a certain immoveable belonging to the estate of the said late A. G. Belleau

[Assented to 20th May, 1905]

Preamble.

WHEREAS Neuville Belleau, broker; Sainte Foye Belleau, advocate; Georges Belleau, insurance agent; Jeanne Belleau and Gabrielle Belleau, spinsters; Dame Emma Carrier, widow of the late Alfred Gauvreau Belleau, in his lifetime of Quebec, physician and coroner, acting in her capacity of tutrix to Joseph Belleau, Paul Belleau and Marguerite Belleau, her children, and to Marie Louise Belleau, her grandchild; Jules Côté, notary, acting in his quality of tutor to Jean, Amélie and Jeanne Côté, his minor children, and Joseph Henri Boisvert, notary, also in his quality of tutor to Réne, Gérardine, Jeanne and Paul Boisvert, his minor children, all residing in the city of Quebec, have, by their petition represented:

That, in and by the contract of marriage of the said Alfred Gauvreau Belleau with the said Dame Emma Carrier, before Philippe Huot, notary, the 23rd of October, 1869, Sir Narcisse Fortunat Belleau gave to the said A. G. Belleau an immoveable known and designated under the number 2696 of St. Louis Ward, in the city of Quebec, with all the rights connected therewith, on condition that he should never dispose of the same without the donor's consent and, moreover, on condition that the said immoveable, after the death of the said consorts, should revert to the children, issue of their marriage, or to any one of them to whom the said A. G. Belleau might give it, and also on condition that, in the event of the pre-decease of the said future husband, the said future wife should have the usufruct during her lifetime;

That, by deed of promise of sale made before L. P. Sirois, notary, on the 29th January, 1897, the said A. G. Belleau promised to sell the immoveable above described to Dame Belzémire Lemieux, wife separated as to property of Alex-

andre Gauvreau, of Quebec, notary, and undertook to give her a perfect title as soon as possible, and then received the price of sale of the said immoveable ; that, in such deed, the said Emma Carrier, wife of the said A. G. Belleau, also intervened and then renounced the usufruct and all other rights she might have in and to the said immoveable ;

That, by deed passed before L. P. Sirois, notary, on the 29th of January, 1897, the said A. G. Belleau gave to Dame Belzémire Gauvreau, aforesaid, a hypothec on the immoveable bearing cadastre numbers 4437-5-A, 4437-4 and 4437-3-B in Montcalm ward of the city of Quebec, to secure the fulfilment of the promise of sale above mentioned ;

That, by his last will and testament before V. W. LaRue, notary, on the 26th of February, 1897, the said A. G. Belleau gave the immoveable known under the cadastre number 2696 of the cadastre of St. Louis ward, to Dame Marie Louise Belleau, his daughter, wife of Jules Côté, notary, on condition that she should carry out the promise of sale made to the said Dame Gauvreau, and that he instituted his wife his universal legatee in ownership ;

That, at the death of the said A. G. Belleau, on the 9th of March, 1904, the said Dame Marie Louise Belleau, his daughter, was dead and, as the legacy then lapsed, the obligation to fill the said promise of sale devolved upon the heirs of the said A. G. Belleau ;

That, by deed dated the 6th April, 1904, before L. P. Sirois, notary, the said Dame Emma Carrier renounced the estate of her said husband ; and that, on the 13th April, 1904, the heirs of the said A. G. Belleau accepted the said estate, according to law, by deed before the said L. P. Sirois, notary ;

That the above petitioners are the only children and the sole heirs of the said A. G. Belleau ;

That, on the 7th June, 1904, Georges Belleau, aforesaid, one of the heirs, in order to assist the estate of the said A. G. Belleau, sold the immoveables, affected by the hypothec given as security in favor of the said Dame Gauvreau, giving a hypothec himself to the latter for the same security on the immoveable bearing number 2658 of the cadastre of St. Louis ward of the city of Quebec, the said Dame Gauvreau giving a discharge of the hypothec in her favor on the immoveable bearing the said cadastral numbers 4437-5-A, 4437-4 and 4437-3-B of Montcalm ward in the city of Quebec ;

That the said Dame Gauvreau died at Quebec on the 28th March, 1905, and by her will, made before L. P. Sirois, notary, on the 21st February, 1905, she appointed her said husband Alexandre Gauvreau her universal legatee as regards ownership ;

That the heirs, both those of full age and the minors, of the estate of the said A. G. Belleau, are disposed to fulfill the obligations contracted by the said A. G. Belleau towards the said Dame Gauvreau, but that, in consequence of the substitution created by the said marriage contract of the said A. G. Belleau and the fact that the said Dame Emma Carrier has survived her husband, doubts have arisen as to the validity of a deed of sale, even if authorized by the court, which the said heirs might consent to and in favor of the said Dame Gauvreau or her representatives ;

That the said Alexandre Gauvreau, concurs in the conclusions of the petitioners ;

Whereas the petitioners above mentioned have, by their petition, prayed for an act to authorize them to sell the said immoveable to the said Alexandre Gauvreau and to grant him an acquittance for the price of sale, and it is expedient to grant their prayer ;

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

Heirs may
sell certain
property to
certain per-
son.

1. The present heirs who are of age and the tutors of those who are minors of the said Alfred Gauvreau Belleau are hereby authorized to sell by mutual agreement to the said Alexandre Gauvreau, notary, of Quebec, as substitutes in the said substitution created by the said contract of marriage as aforesaid and as sole incommutable owners, notwithstanding any doubts that may exist as to such right, the said immoveable bearing the said number 2696 of the cadastre of St. Louis ward of the city of Quebec, to transfer to him all the rights mentioned in the deed of promise of sale aforesaid, dated the 29th of January, 1897, before L. P. Sirois, notary, and to grant him an acquittance for the price of sale received by the said A. G. Belleau, their *auteur*.

Who shall
consent to
deed and
effect thereof.

The contract of sale, which shall be consented to by the heirs of the said A. G. Belleau as aforesaid in favor of Alexandre Gauvreau or his representatives, shall be a perfect title of conveyance of the said immoveable and shall relieve the said heirs from all charges and obligations contracted by them or by their *auteur*, the said A. G. Belleau, towards the said Dame Gauvreau or her representatives, and also from those which the said heirs may have contracted towards one another in connection with the said immoveable, as substitutes in the said substitution as well as heirs of the said A. G. Belleau.

Coming
into force.

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