

C H A P. 110

An Act to authorize the alienation of an immoveable belonging to the estate of the late Honorable Jean Louis Beaudry, and for other purposes

[Assented to 26th March, 1902]

WHEREAS Dame Alice Auger, wife separated as to Preamble. property of René Hébert, physician, Joseph Edmond Auger, commercial traveller, Marie Auger, spinster, Juliette Auger, wife separated as to property of Armand Chaput, trader, Yvonne Auger, spinster, Lionel Emile Auger, Armand Auger, Jeanne Auger, Rose Annette Auger, Henri Auger, Paul Auger, the last four minor children and acting through René Hébert their tutor, all of the city and district of Montreal, and Blanche Auger, wife separated as to property of Auguste Singer, residing in Westmount, in the district of Montreal, children issue of the marriage of the late Dame Clorinde dite Clorinthe Beaudry, in her lifetime wife of Joseph Cyrille Auger, registrar of Montreal, and Dame Corinne Herminie Beaudry, wife separated as to property of Rouer Roy, King's counsel, of the same place, have, by their petition, represented :

That the said Dame Rouer Roy, the said late Dame Joseph Cyrille Auger, and the late Guillaume Napoléon Léonidas Beaudry were the universal legatees of the late Honorable Jean Louis Beaudry, deceased the 25th of June 1886, under the will of the latter dated the 29th of December 1881, passed before Mtre. Brousseau, N. P., and under the codicil to the said will passed before the same notary on the 14th of September 1885 ;

That the said Guillaume Napoléon Léonidas Beaudry, having died on the 17th of August 1887, without issue, his share devolved, by the terms of the said will and codicil, to his sisters the said Dames Roy and Auger and to Dame Victorine Beaudry, widow of Lionel Gardiner, the latter being a particular legatee under the said will ;

That, by act of the Legislature of the Province of Quebec, 52 Victoria, chapter 100, the testamentary executors of the said estate were authorized, in order to hasten the payment of the debts, to sell all or any of the immoveables bequeathed to the said late Guillaume Napoléon Léonidas Beaudry, and were continued in their office until complete payment of the debts ;

That, in accordance with the said act, a portion of the property bequeathed to the said Guillaume Napoléon Léonidas Beaudry was sold by the testamentary executors and the proceeds applied to the payment of the debts ;

That, by judgment rendered by the Superior Court of the district of Montreal, on the 1st September, 1899, on a joint factum of the parties bearing the No. 204 of the records of the Superior Court of the district of Montreal, it was adjudged that Madame Gardiner was entitled to all the revenues from the immoveables bequeathed to her, from the death of the testator, and to the revenues from the immoveables reverting to her from Napoléon's share since the latter's death, and that a third only of the share of the property devolving to her as a sister of the late Guillaume Napoléon Léonidas Beaudry could be applied to the payment of the debts ;

That the effect of such judgment was to completely change the division of the revenues which had theretofore been made ;

That, by reason of such judgment, the said Dame Gardiner became on the 1st of May, 1901, creditor in the sum of \$12,489.98 of Madame Roy and of the children of Madame Auger ;

That in order to pay this sum to their co-legatee, it is necessary that the petitioners be authorized to sell or hypothecate the hereinafter described immoveable, which had been bequeathed to the late Guillaume Napoléon Léonidas Beaudry, and which, by reason of the judicial partition between the parties, belongs to them by undivided shares, namely :

A lot of land situated in Montreal in Centre Ward, known and designated under the number 79 on the official cadastre for that ward, fronting on St. Paul Street, with a stone building of four stories covering the whole extent of ground, called Sebastopol Block, and bearing the No. 373 of said St. Paul Street, and the Nos. 18, 20, 22 and 24 of St. Sulpice Street, with all the rights and privileges in common existing both in the rear wall and in the southwest gable wall of the said building ;

That the substitution created by the will of the late Honorable Jean Louis Beaudry is opened as regards the children of the late Madame Auger ;

That all the children of Madame Roy are of the full age of majority and have given their consent to the present petition ; but, under the terms of the will, the legatees cannot, on pain of being disinherited, hypothecate or alienate the property to them bequeathed before taking possession of the same ;

That, on account of such penalty, it is doubtful whether the institutes can sell the immoveable even by observing the formalities prescribed by law for the definitive alienation of substituted property ;

That it is expedient to remove such doubts and allow Madame Roy to alienate definitively, and under the conditions imposed by law, the immoveable bearing the number

69 of the official cadastre of St. Lawrence ward of the city of Montreal, and which at present in great part yields no revenue.

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

1. The children of the late Dame Joseph Cyrille Auger, above mentioned and designated, and the said Dame Corinne Hermine Beaudry, wife of Rouer Roy, may, without incurring the penalty of being disinherited set forth in the said will, sell by auction or by private sale, hypothecate, alienate pledge or assign the following immoveable or the revenue thereof, to wit :

Sale of certain property authorized.

A lot of land situated in Montreal in Centre Ward, known and designated under number 79 on the official cadastre for that ward, fronting on St. Paul street, with a stone building of four stories, covering the whole extent of ground, called Sebastopol Block, and bearing the No. 373 of said St. Paul street, and the Nos. 18, 20, 22 and 24 of St. Sulpice street, with all the rights and privileges in common existing both in the rear wall and in the south-west gable wall of the said building.

2. The price of sale of the said immoveable, or the proceeds of the hypothec shall be employed partly to pay the claim of Madame Gardiner for balance of revenues amounting, on the 1st of May last, to the sum of \$12,489.98, and the interest thereon, and the share coming to each of the legatees in the balance of the price may be employed by them to pay the share and other claims due by reason of the division.

Application of purchase price, &c.

3. The above mentioned legatees are also authorized to enter into an agreement by which the said immoveable shall be made over to one or several of them, upon the transferee assuming the obligation of paying Madame Gardiner's claim, and upon the further payment of such additional sum as may be agreed upon.

Property may be made over to one or more of the legatees.

4. The deeds of sale, hypothec, agreement and others referred to in this act, may be consented to and signed by Dame Corinne Herminie Beaudry, wife of Rouer Roy or her ass ins, by the major children of the late Dame Clorinde dite Corinthe Beaudry, in her lifetime wife of Joseph Cyrille Auger, and by the tutor of the Auger minors, without any other authorization being necessary for the latter than this act.

Who may sign deed of sale, &c.

Certain prop-
erty may be
alienated by
Madame Roy.

5. Dame Corinne Herminie Beaudry, wife of Rouer Roy, may, notwithstanding the prohibition contained in the said will, definitively alienate, in whole or in part, the following immovable bequeathed to her by the late Honorable Jean Louis Beaudry :

A lot situated in St. Lawrence ward, in the said city of Montreal, known and designated under the number 69 on the official plan and book of reference of the said St. Lawrence ward, the said lot of land containing one hundred feet in front by one hundred and forty-seven feet in depth on the line of the property of Widow François Leclerc, and one hundred and seventeen feet in depth on the line of Ste. Famille street, bounded in front by Sherbrooke street, in rear by a common passage between those having a right thereto, on the southwest side by Widow Leclerc, and on the northeast side by Ste. Famille street, with a two storey stone and brick house and other buildings thereon erected.

Formalities
to be observ-
ed.

All the formalities imposed by law for the final alienation of substituted properties, and for the investment of the sums arising from such alienation, shall be observed in this case.

Coming into
force.

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

CHAP. 111

An Act respecting the estate of Léon Benoit Alfred Charlebois

[Assented to 26th March, 1902]

Preamble.

WHEREAS Alphonse Charlebois, both personally and as tutor to Léon and Ambroise Charlebois, Jean Baptiste Charlebois, Maria, Alphonsine and Angelique Charlebois, all universal legatees of the late L. B. A. Charlebois, and Thomas A. Brisson, the curator to the substitution created by the will of the late L. B. A. Charlebois, and Louis Masson, the testamentary executor of the estate of L. B. A. Charlebois, have, by their petition, represented that it is in the interest of the legatees to obtain an immediate partition of the property of the said estate and prayed for the passing of an act authorizing them to sell the immovable property of the said estate, and immediately afterwards to effect a partition thereof, for the following reasons :

1. That Léon Benoit Alfred Charlebois, in his lifetime of Laprairie, died at Laprairie on the twenty-seventh day of