

Certain property 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 immoveable 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 observed.

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 immoveable 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

June, one thousand eight hundred and eighty-seven, leaving a will duly registered on the ninth day of July, one thousand eight hundred and eighty-seven ;

2. That, by such will, he bequeathed all his property to his children in order that the latter might receive delivery of their share of the legacies only at the age of thirty-one years for the sons, and thirty-six years for the daughters, under the condition therein named.

3. That Doctor Thomas A. Brisson was duly appointed curator to the substitution created under the terms of the will ;

4. That Louis Masson, advocate, of Montreal, was duly appointed testamentary executor of the said estate by a judge of the Superior Court, Montreal, according to the provisions of the said will and of article 924 of the Civil Code of Lower Canada ;

5. That it is in the interest of the universal legatees of the said estate to obtain an immediate partition of such property by being authorized to sell the immoveables composing such succession for the following reasons :

(a) That the property of the said estate consists in a great measure of immoveables situated in the country ; that such immoveables do not produce in proportion to their value, and bring in only a slight revenue to each of the legatees, several of whom, being without employment, are in a condition bordering on penury ;

(b) That the expense of managing the estate, the repairs to the property, the taxes and insurance, absorb nearly one half the revenue ;

6. That if the petitioners were authorized to effect an immediate partition of the property of the estate after the sale of the immoveables thereof shall have been effected, such expenses would cease, and thus, by increasing the revenues almost two-fold, would enable the legatees to better provide for the support of their families ;

7. That two of the universal legatees are still minors, but that their respective shares in the estate if realized in cash would produce more and would be guaranteed them by investments made according to law ;

8. That it is impossible to conveniently divide the immoveables of the estate, and that the sale of such immoveables, if effected by private sale by the testamentary executor after a valuation made by three experts, one to be appointed by the testamentary executor himself, the other by the curator to the substitution, and the third by the two former, would

benefit the heirs, and that the rights of the latter would be protected by the valuation duly made by the said experts ;

Whereas it is expedient to grant the prayer of 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 :

Power to
sell property
of estate
upon obser-
vance of cer-
tain formal-
ties.

1. Louis Masson, the testamentary executor of the estate of L. B. A. Charlebois, or his successor, is authorized to sell by private sale the immoveable properties of the said estate, after valuation made by three experts, one to be appointed by the testamentary executor himself, the other by the curator to the substitution, and the third by the two former, and the investment of the proceeds of such sales shall be made according to the provisions of articles 981*o* and following of the Civil Code of Lower Canada.

Final parti-
tion of prop-
erty and de-
livery of the
legacies.

2. After the sale of such immoveable property the interested parties may make the definitive partition of the estate between the legatees ; but delivery thereof shall be made only at the times determined by the said will, the prices of sale taking the place the said immoveable property.

Payment for
education
of minors, &c.

3. To better provide for the expenses and costs of the education of the two children of the said L. B. A. Charlebois who are still minors, his testamentary executor is hereby authorized to pay to their tutor, on account of the capital of either of such minors, such amount as may be required together with his revenues to meet the necessary expenses ; such payments shall not collectively amount to more than the two thousand dollars for either minor, and shall be taken out of the sum of two thousand dollars payable to either of the minors before the delivery of his legacy according to the said will.

Coming into
force.

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

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