

CAP. XCIX

An act respecting the sale of certain mining rights belonging to the Alleyn minor children.

[Assented to 10th March, 1899]

WHEREAS William Henri Brouage Chaussegros de Lery, Preamble. esquire, advocate, of the parish of St. François, Beauce, Marie Eliza Corinne Chaussegros de Lery, George Gustave, *alias* Gustave Fraser Chaussegros de Lery, esquire, notary, dame Marie Louise Cumming, widow of the late Louis Charles Alexandre Chaussegros de Lery, both in her capacity of universal usufructuary legatee, and testamentary executrix of her late husband, and in her capacity of tutrix duly appointed to her daughter Corinne, issue of her marriage with the said Louis Charles Alexandre Chaussegros de Lery, the three latter of the city of Quebec, and the Honorable John Sharples, also of the city of Quebec, member of the Legislative Council of this Province, in his capacity of tutor duly appointed and elected in law to John Alexander Alleyn, Richard Henry Gustave Alleyn, Mary Margaret Catherine, *alias* Kathleen Alleyn, and Louisa Blanche Josephte Alleyn, of the city of Quebec, minor children issue of the marriage of the late Honorable Richard Alleyn, in his lifetime one of the judges of the Superior Court of this Province, and of Dame Catherine Louise Josephte Chaussegros de Lery, have by their petition represented :

That they are joint proprietors of certain mining rights in the seigniory of Rigaud Vaudreuil, in the district of Beauce ;

That by her authentic will made at Quebec on the seventeenth day of June, 1884, before Mtres Cyrille Tessier and his colleague notaries, Dame Catherine Louise Josephte Chaussegros de Lery, of the city of Quebec, widow of the late Honourable Richard Alleyn, in his lifetime one of the judges of the Superior Court of this Province, disposed of her property in view of her death ;

That by her said will she bequeathed all of her moveable and immoveable property to her four children, issue of her marriage with the late Honourable Richard Alleyn ;

That the said dame Alleyn died at Quebec some days after having made the said will ;

That her children who then succeeded to her estate are, John Alexander Alleyn, Henri Richard Gustave Alleyn, Marie Marguerite Catherine *alias* Kathleen Alleyn, and Louisa Blanche Josephte Alleyn ;

That the Honorable John Sharples, of the city of Quebec, member of the Legislative Council of this Province, is the tutor appointed in law to the said minor children ;

That by the fifth clause of the said will, the said testatrix orders as follows ;

“ In the event of all my children dying while minors and without leaving any posterity, I then substitute in their place my two brothers, my sister, and the child of my brother Chaussegros, subject to the condition that the first three above-mentioned shall retain the share of my property that each of them shall receive to give it upon his or her death, to his or her children, whom I substitute in his or her place ; ”

That by the said will, power was given by the said testatrix to the institute and minors and the other incapables though their tutor or curator to sell the immoveable property of the estate, but that no power was given to sell the aforesaid mining rights, of which the said minors are equally proprietors, and which they possess undividedly with the four other petitioners ;

That the said petitioners could sell the said mining rights to advantage both for the said minor children and for the other interested parties, without great expense and for a considerable amount, if the tutor appointed to the said minor Alleyn children could give a valid title to the purchaser thereof, conjointly with the other co-proprietors ;

That the other co-proprietors would be the substitutes in virtue of the above cited fifth clause of the late dame Alleyn's will ;

That the said mining rights cannot be sold to advantage and cannot even be sold at all, unless they be sold in their entirety, and unless all the co-proprietors should jointly give a valid title to the purchaser ;

That in fact, the said mining rights, a portion of which belong to the said minors Alleyn, could not, in the ordinary course of law, be sold to advantage for the benefit of the interested parties without heavy expense and considerable loss, owing to their undivided nature and the impossibility of dividing them ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sale of mining rights authorized.

1. The said Honourable John Sharples, of the city of Quebec, member of the Legislative Council of this Province, in his capacity of tutor to John Alexander Alleyn, Richard Henri Gustave Alleyn, Mary Margaret Catherine *alias* Kathleen Alleyn, and Louisa Blanche Josephite Alleyn, of the city of Quebec, minor children issue of the marriage of the late Honorable Richard Alleyn, in his lifetime one of the judges of the Superior Court of this Province, and of dame Catherine Louise Josephite Chaussegros de Lery, or any other person appointed to replace him as said tutor in due course of law, if necessary, is authorized to sell, jointly with the other co-proprietors, the said mining rights in the

seigniori of Rigaud-Vaudreuil, in the district of Beauce, under whatsoever title and from whatsoever sources they may come, *en bloc* or separately, for cash or on credit, as they may deem expedient, without the authorization of a family council or other formalities, the order of a court of justice, or of a judge.

2. Any partial transfer, either temporary or permanent, of the said rights of the minors which may have been effected prior to this act by one of the tutors of the said minors Alleyn, jointly with the other co-proprietors, is hereby ratified. Certain former transfers ratified.

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

C A P. C

An Act respecting the estate of Anne Kelley.

[Assented to 10th March, 1899]

WHEREAS, dame Susanna Foy has, by her petition, Preamble
represented ;

That dame Anne Kelley, widow of the late Martin Foy, trader, made her solemn will before Mtre. J. G. Crebassa, notary, and two witnesses, by which she bequeathed her property to her son, Martin William Foy, and to her daughter, dame Susanna Foy, wife of M. Albert Gundlack ;

That by the said will, the testatrix bequeathed the property and the revenues, derived from the shares which she had in the Molson's Bank, to her two children aforesaid during their life time ;

That the said Martin William Foy died about eleven years ago and left four infant children ;

That the said petitioner has taken charge of these four children, and has sought, and still seeks to give them a good education ;

That two of the said children are still at college ;

That she wishes to continue to have the two younger children educated ;

That, for this object and to pay the aforesaid debt, the petitioner has no other means than that of selling the shares in the Molson's Bank ;

Whereas, she has, by her petition, prayed for the passing of an act to that effect, and it is expedient to grant her prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :