

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

57 V., c. 95,
s. 4, replaced.

1. Section 4 of the act of this session, chapter 95, is replaced by the following:

Application of
balance of pur-
chase price.

“4. The balance of the price of sale shall be employed in purchasing other immoveables or be invested in the manner provided by articles 9810 and following of the Civil Code; such investment shall be effected by the curator to the substitution, with the authorization of a judge of the Superior Court or of the prothonotary of the said court, on the advice of a family council, or the balance of the price shall remain in the hands of the purchaser, secured by mortgage on the property sold; provided that the distribution of the revenues and profits of the said substitution shall be in no way affected by the provisions of this act.”

CAP. XCVII.

An Act to ratify certain sales of real estate and certain transactions between Joseph Leveillé and his children.

[Assented to 8th January, 1894.]

Preamble.

WHEREAS doubts have recently arisen as to whether an immoveable, mentioned in a gift *inter vivos*, made at Montreal, before J. E. O. Labadie, notary, on the twenty-fifth of June, one thousand eight hundred and fifty-seven, by Dame Marie Anne Déséry, in favor of Joseph Leveillé, then pilot, of Montreal, did or did not enter into the continuation of the community of property which had existed between the said Joseph Leveillé and the minor children issue of his marriage with the late Dame Flavie Gauthier *dit* St. Germain;

Whereas the said immoveable was mentioned in the inventory made by J. Belle, notary, of Montreal, between the twenty-first of April and the thirtieth of July, one thousand eight hundred and fifty-seven, as not entering into the said continuation of community;

Whereas the said Joseph Leveillé has always, in good faith, considered himself and has always been publicly considered as the sole owner of such immoveable;

Whereas the said Joseph Leveillé has had a considerable portion of the said immoveable subdivided into a large number of building lots (which immoveable is known and designated, since the cadastre has been made, as being number fifty of the official plan and book of reference of

the village of Hochelaga) ; whereas he has sold the non-subdivided part of the said immoveable, and has also sold the majority of the subdivided lots on which the purchasers have erected buildings ;

Whereas, in consequence of the doubt raised and of the large number of purchasers, there is danger that many law suits may arise ; and there is uncertainty as to the titles, and it is in their interest to prevent such litigation and to put an end to such uncertainty ;

Whereas, of the marriage of the said Joseph Leveillé with Dame Flavie Gauthier *dit* St. Germain, three children have been born : The Reverend F. X. Joseph Leveillé, priest, one of the ecclesiastics of the Seminary of St. Sulpice of Montreal ; Charles Alphonse Leveillé, Esquire, notary ; Marie Joséphine Leveillé, deceased in the year one thousand eight hundred and eighty-one, leaving minor children issue of her marriage with Joseph Duclos, merchant ;

Whereas the said Joseph Leveillé, on the one part, and on the other, the said Reverend F. X. Joseph Leveillé, Charles Alphonse Leveillé and Joseph Duclos, all of the city of Montreal, the latter both in his own name and as tutor to the minor children issue of his marriage with the late Dame Marie Joséphine Leveillé, and with the approval of the near relatives, have agreed to settle this matter, and to petition the Legislature of Quebec for a ratification of such agreement ;

Whereas they have in fact presented a petition to that effect ;

Whereas, in their petition, the said petitioners have represented that, as there are special difficulties in the way of the judicial licitation and sale of another immoveable belonging to them, and designated as number five hundred and twenty-three on the official plan and book of reference of St. James' Ward, of the city of Montreal, they have made between them a sale of the said immoveable by deed, passed at Montreal on the nineteenth day of the month of October, one thousand eight hundred and ninety-three before Eusèbe Laliberté, notary, in which the said Joseph Duclos represented his minor children, after having taken the advice of the relatives qualified to constitute a family council ;

Whereas the said petitioners pray for the ratification of the said deed ;

Whereas it is expedient to grant the prayer of the said petition ;

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

1. All the sales and alienations made by the said Joseph Leveillé, senior, of the immoveable bearing the number fifty Certain sales ratified.

of the cadastre of Hochelaga, and of its subdivisions, are ratified to all intents and purposes.

Discharges
declared
valid.
Signature
to discharges
in future.

2. The acquittances for prices of sale given by the said Joseph Leveillé are valid.

The acquittances, to be hereafter given, shall bear the signatures of the heirs of Dame Flavie Gauthier *dit* St. Germain (the tutor representing the minors), in addition to the signature of the said Joseph Leveillé, senior.

Sales of cer-
tain lands
authorized.

3. Notwithstanding articles 397 and following of the Civil Code and article 1267 of the Code of Civil Procedure, the said Joseph Leveillé is authorized to sell in his name the subdivision lots not yet sold of the immoveable bearing the number fifty of the cadastre of Hochelaga, with the same effect as if he were the sole owner thereof; but the prices of sale shall be made payable and be paid one half to the said Joseph Leveillé, senior, and one half to the heirs of Dame Flavie Gauthier *dit* St. Germain.

Account to
be rendered to
children by J.
Leveillé.

4. The said Joseph Leveillé shall account to his children, or to their heirs, for the prices of sale received by him, of the said immoveable, number fifty of the cadastre of Hochelaga, and of its subdivisions, to wit: of the portion of such price of sale to which they would have been entitled, if such sales had been made for the benefit of the continuation of the community of property, which existed between him and his said children.

Certain deed
of sale ratified.

5. The deed of sale of the immoveable, known and designated as being number five hundred and twenty-three of the cadastre of St. James' Ward, passed at Montreal, on the nineteenth of October aforesaid, before the said Eusebe Laliberté, notary, between the said Joseph Leveillé, senior, and the heirs of Dame Flavie Gauthier *dit* St. Germain, is, notwithstanding articles 693 and 1919 of the Civil Code, ratified and confirmed, and it shall be followed and executed according to its form and tenor.

Coming into
force.

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