

C A P. C V I.

An Act to authorize the sale of certain immoveables substituted by the late Antonio Merello.

[Assented to 24th June, 1892.]

Preamble.

WHEREAS Olivier Beriau of the city of Montreal, merchant, curator duly appointed to the substitution created by the will of the late Antonio Merello, Dame Julie Merello of the city of Montreal, wife of Vincent Taranto, hotel-keeper, formerly residing in Manitoba, now of Montreal; Dame Catherine Juliette Merello of the city and district of Montreal, wife of Antonio Molinari of the same place, trader; Antonio Molinari and Vincent Taranto of the city of Montreal, have, by their petition, represented:

That the late Antonio Merello, in his lifetime of the city of Montreal, gentleman, made his last will and testament before Ferrault, notary, and witnesses, on the eleventh day of July, one thousand eight hundred and eighty-two, at Montreal, by which he gave and bequeathed to his two daughters, Julie and Catherine Juliette Merello, the enjoyment and usufruct of the following immoveables during their lives:

1. Part of lot official No. 314 in St. Mary's ward, measuring 25 feet in front, 24 feet 10 inches in width at its depth, by 50 feet in depth; bounded, in front, by St. Catherine street; in rear, by one Archambault or his representatives; on one side, by Charles Clément dit Larivière or his representatives; and on the other side, by Joseph Beauchamp or his representatives, with the right to a passage in common of 7 feet 6 inches in width, now in existence, starting from St. Catherine street;
2. The lot official No. 349, of St. Mary's ward, bounded in front by St. Catherine street, Montreal;
3. The lot official No. 164, St. James' ward;
4. The lot official No. 166, St. James' ward.

That the two first immoveables, viz: part of official No. 314 and official No. 349, in St. Mary's ward, are now Nos. 1309, 1311, 1348, 1348*a*, 1350, 1350*a*, 1352, 1352*a* of St. Catherine street, in Montreal, and the two other lots, official numbers 164 and 166 in St. James' ward, are now Nos. 13 to 21 of St. Louis street, and the Nos. 1, 4 and 6 of St. Hubert street;

That these immoveables comprise the whole of the assets of the estate of the late Antonio Merello;

That, by his last will, the said late Antonio Merello, created a substitution in favor of the children of the said Dames Julie and Catherine Juliette Merello;

That the said will also provided for the joint possession of the said properties ;

That, on the thirteenth day of November, one thousand eight hundred and eighty-nine, Olivier Beriau, one of the petitioners, was appointed curator to the substitution created by the said last will ;

That the buildings erected on the lots, part of No. 314 and No. 349, in St. Mary's ward, on St. Catherine street, are built of wood and are in a very bad condition ;

That they are uninhabitable and unfit for repair ;

That it is absolutely necessary that they should be pulled down and new buildings erected ;

That they cannot be leased in the condition in which they now are ;

That they yield no revenue, not even sufficient for the municipal taxes ;

That the buildings erected on lots official Nos. 164 and 166 on St. Hubert and St. Louis streets, in St. James' ward, are also in very bad order and require large repairs to put them into proper condition to yield a reasonable revenue ;

That these immoveables cannot be divided into two equal parts ;

That these immoveables are worth about twelve thousand dollars ;

That it is desirable for the heirs, for the benefit and advantage of the estate, and especially of the substitutes, to sell the said immoveables and invest the proceeds of the said sale in other immoveable property ;

That, by this means, the estate will derive a larger revenue and will be better secured in the preservation of the capital ;

That it is also more to the advantage of the heirs to divide the inheritance into two equal parts and for each one to enjoy her own part separately ;

That the institutes, Dames Julie and Catherine Juliette Merello, are not in a position to make the necessary and urgent repairs which the condition of the property requires ;

That these immoveables are in danger of being sold for municipal taxes ;

Whereas it is in the interest of both the institutes and the substitutes to accede to the demand of the petitioners ;

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

1. The said Dames Julie and Catherine Juliette Merello, Certain property may be sold. duly authorized by their husbands and by the curator to the substitution, may sell all or any of the said immoveables above mentioned and give as good and valid titles thereto to the purchaser or purchasers thereof as the testator himself could have done.

Valuation,
&c., by ex-
perts before
being sold.

2. The sale shall be made after an examination and valuation of the immoveables by two sworn experts, one of whom shall be named by the institutes and the other by the curator to the substitution, with power to add a third sworn expert in case of disagreement.

Application
of price to :

3. The price of the sale of the said immoveables or of any of them shall be employed :

Paying costs
of obtaining
act ;

1. In paying the costs and charges incurred in obtaining the present act and the costs of bringing the property to sale ;

Paying
hypothecary
charges.
Balance to be
invested.

2. In paying the hypothecary debts and charges with which the said immoveables may be encumbered ;

3. As to the balance of the price of sale, it shall be invested in real estate upon first mortgage, purchase or otherwise, for the purposes of the substitution.

By whom.

Such investment shall be made by the curator to the substitution authorized by a judge of the Superior Court, on the advice of a family council.

Certain pay-
ment binding

4. The payment made by the purchasers of the said immoveables to the said Dames Julie and Catherine Juliette Merello, assisted by their husbands, and with the consent of the curator or other person representing the substitution, shall be good and binding for all lawful purposes, and shall protect the purchasers from all responsibility in connection with the investment of the price of sale of the said immoveables or of any of them.

Effect thereof.

Coming into
force.

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

CAP. CVII.

An Act to authorize Jules Ovide François Xavier Méthot to dispose of certain substituted immoveable property.

[Assented to 24th June, 1892.]

Preamble.

WHEREAS the Reverend Eugène Henri Alphonse Méthot, of Quebec, priest, deceased, did bequeath by notarial will unto Jules Ovide François Xavier Méthot, the usufruct and enjoyment of a certain immoveable property bearing the number 2535 of the cadastre of St. Louis ward of the city of Quebec ;

Whereas, under the said will, the said Jules Ovide François Xavier Méthot, in default of children, will become proprietor of the said immoveable property ;