

C A P . L X X X I I .

An Act to authorize the sale of a property substituted under a deed of gift by the late Léon Robert.

[Assented to 9th May, 1885.]

WHEREAS in the city of Montreal, on the fourteenth Preamble. day of April one thousand eight hundred and eighty, by deed of gift passed before H. P. Pepin, notary public, and duly registered in the registry office of the division of Montreal West, Léon Robert, gentleman, of the city of Montreal, did give and transfer to his son, Adolphe Robert *alias* Rodolphe Robert, jeweller, of the city of Montreal, the usufruct, and to the children born and to be born of the marriage of the said Adolphe Robert with Dame Henriette Huneault or of any other subsequent marriage, the ownership of a certain lot of land, with the house and buildings thereon erected, known and designated as part of number nine hundred and fifty-three on the official cadastral plan of St. Antoine Ward, in the said city of Montreal, containing forty-seven feet in front by ninety-five in depth, English measure, more or less, with right of way for ever in the passage now existing and established on the remainder of the said lot No. 953, in order to communicate with St. David street;

Whereas the buildings erected on the said ground are deteriorating, and the revenues from the said property barely suffice to pay the insurance, taxes, necessary repairs and the life-rent which is secured thereon by hypothec;

Whereas owing to ill health and want of means the institute is unable to make the necessary repairs to render the property profitable;

Whereas a sum of nearly two hundred dollars is due to the corporation of the city of Montreal for two years' taxes with interest, and that the said property is in danger of being sold at any time for payment of the taxes; whereas, in fact a writ has already issued from the Recorder's Court of the city of Montreal ordering the seizure of the said property for the payment of the special tax for opening "Dominion Square," and that the institute has been able to pay such special tax only by borrowing money;

Whereas it has become necessary for the institute both in his own interest and in that of the substitutes, his children, that the said property be sold to their best advantage and that the proceeds of the sale thereof be invested according to law;

And whereas it is expedient to grant the prayer contained in the said petition; Therefore, Her Majesty, by

and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain substituted real estate may be sold. **1.** The institute, assisted by the curator duly appointed to the substitution, may, with the permission of a judge of the Superior Court, founded on the report of experts, duly sworn, establishing the value of the immovable property, approved by the family council and upon its advice, sell by a deed of sale, the land above mentioned on such terms and conditions as the institute, authorized as aforesaid, and the curator may deem meet and reasonable; provided such price shall not be less than the value of the property as determined.

Effect of deed of sale. **2.** The deed of sale shall be as valid as if it had been consented to by the donor himself, and the purchaser or purchasers shall be obliged to see to the investment of the proceeds of the sale.

Proceeds may be applied in certain manner. **3.** The proceeds of the sale may be left in whole or in part in the hands of the purchaser upon the security of an hypothec with the vendor's privilege or any other further security, and if paid, be received by the institute and the curator jointly, and their discharge shall be good and valid.

Investment of proceeds. **4.** The proceeds of the sale shall be invested in the province of Quebec in the name of the substitution by the institute and the curator jointly, in accordance with the terms of the substitution and the provisions of the act, 42-43 Victoria, chapter 30, and its amendments, and they may also be employed in purchasing one or more properties which may be deemed advantageous for the substitutes.

Proviso. **5.** Provided always nothing herein contained shall be considered as in any way affecting the rights of persons who have privileged and hypothecary or other claims against the said immovables, apart from the claims of the substitutes.

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