

1982, chapter 86

**AN ACT RESPECTING CERTAIN LANDS
BEQUEATED TO HORACE BÉRUBÉ**

Bill No. 233

Introduced by Mr Léonard Lévesque

First reading: 1 June 1982

Second reading: 22 June 1982

Third reading: 22 June 1982

Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended: None



CHAPTER 86

An Act respecting certain lands bequeathed to Horace Bérubé

[Assented to 23 June 1982]

Preamble. WHEREAS André Bérubé and his wife, Rose-Anna Gagnon, intervened in the marriage contract between their son Horace and Carmelle Lizotte, by deed made on 7 June 1938, and bequeathed to him certain moveables and immoveables most of which are fully and adequately described therein;

Whereas it is provided in the contract that, should the husband die before the wife, with no surviving children born of their marriage, the property would revert to the patrimony of the donor;

Whereas it is also provided in the contract, on the one hand, that, should the husband die before his wife, leaving surviving children, the property would then devolve to the legal heirs of the husband. On the other hand, should the wife be appointed universal legatee to the property left by her husband, she could then dispose of the property in her lifetime or upon her death, though only in favour of the children born of their marriage;

Whereas both spouses are living and seventeen children were born of their marriage;

Whereas Horace sold to his son Denis the land which he had received from his father, under a deed made on 14 May 1981 before Yvan Thériault, notary, bearing number 369 of his minutes and recorded in the registry office of the registration division of Kamouraska on 1 June 1981 under number 125 134;

Whereas the conditional substitutions created by the deed of 7 June 1938 prevent, or at least are unfavourable to, the development of the land of Denis Bérubé, who appears to hold only precarious title thereto;

Whereas it is expedient to remove the conditional substitutions stipulated in the deed of 1938;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

Annulment
of substitu-
tions.

1. The conditional fiduciary substitutions stipulated in the gift made by André Bérubé and his wife Rose-Anna Gagnon, in favour of their son Horace, under the marriage contract of the latter with Carmelle Lizotte, made on 7 June 1938 before Gaston Dufour, notary, under number 264 of his minutes and recorded in the registry office of the registration division of Kamouraska on 3 August 1938 under number 54 635, are cancelled.

Registra-
tion.

2. The substitutions contemplated in section 1 are cancelled upon registration of a true copy of this Act.

Coming
into force.

3. This Act comes into force on the day of its sanction.