



## CHAPTER 140

An Act respecting the estates of Alexander Lindsay & Uxor

[Assented to, the 19th of February, 1932]

**WHEREAS** William Andrew Irving, of the city of St. Preamble.

Lambert, commercial traveller, institute under the last wills and testaments of the late Alexander Lindsay and of the latter's wife, née Janet MacKenzie, in their lifetime of the parish of St. Laurent, district of Montreal, and William Buckle, of the city of Montreal, clerk, duly appointed curator to the substitutions created by such wills and testaments, have, by their petition, represented:

That the said Alexander Lindsay and his wife, née Janet Mackenzie, died on April 22nd, 1879, and August 21st, 1886, respectively, leaving their last will and testament both executed in identical terms on November 16th, 1875, before N. M. Lecavalier, notary public, and witnesses;

That amongst the assets left by the said testators was a farm situated in the said parish of St. Laurent, on Côte-Notre-Dame-de-la-Vertu, and known and designated on the official plan and book of reference of the said parish of St. Laurent under No. 469;

That it was provided in such wills and testaments that on the death of the survivor of the testators such farm would devolve to their son Alexander Lindsay, Jr., as institute in the first degree and at his death to the latter's male children lawfully begotten, as institutes, in the second degree, and to the testator's great-grandchildren as substitutes;

That it was further provided by such wills and testaments that in case the said Alexander Lindsay, Jr., should die without issue, such farm would revert to the testator's daughter, Mary Lindsay, wife of Andrew Irving, as institute in the second degree, and to her male children, lawfully begotten, as substitutes;

That the said Mary Lindsay, wife of Andrew Irving, died on July 5th, 1915, leaving only one male issue, viz: the said William Andrew Irving, one of the petitioners;

That the said Alexander Lindsay, Jr., died unmarried on the 26th of October, 1929;

That the petitioner, William Andrew Irving, is now the sole institute under the said wills and testaments, is 61 years of age and unmarried;

That by such wills and testaments, the said Alexander Lindsay, Jr., was empowered to dispose of the immoveable property comprised in such estates, provided that the proceeds of any sale or sales thereof be applied to the purchase of landed property and that such property be situated without the limits of any city, town or village;

That the said Alexander Lindsay, Jr., disposed of such immoveables and deposited in the Montreal City and District Savings Bank part of the purchase price paid on account, awaiting the investment of such moneys in accordance with the terms of such wills and testaments;

That the said Alexander Lindsay, Jr., and, since his death, the petitioners, found it impossible to comply properly with the provisions of such wills and testaments, that is, to invest the proceeds of such sales in landed property situate without the limits of any city, town or village;

That conditions in regard to investments have changed since such wills and testaments were executed in the year 1875 and that it is to the advantage of the institutes and substitutes created under such wills and testaments that the moneys derived from the sale or sales of the immoveable property bequeathed by the testators be invested under the provisions of article 981o of the Civil Code;

And whereas the petitioners have prayed for the passing of an act accordingly;

And whereas it is expedient to grant the prayer contained in the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Institute and curator authorized to invest certain proceeds in certain manner.

**1.** The institute and the curator to the substitution created by the last wills and testaments of the said Alexander Lindsay, Sr., and of the latter's wife, née Janet MacKenzie, are authorized to and shall invest, in the manner specified under article 981o of the Civil Code, the proceeds of any sale or sales heretofore or hereafter made of any immoveables forming part of the estates of the said Alexander Lindsay, Sr., and of his wife, née Janet MacKenzie.

**2.** The said institute and curator are further authorized to withdraw and to receive, in order to invest them in conformity with the above section 1, the moneys already paid on account of the purchase price of such immoveables and any further payments that may be made hereafter, and to give good and valid discharge therefor, and said purchasers and any bank in which moneys so far received have been deposited are discharged from all responsibility as regards the investment of such sums of money. <sup>Withdrawal of certain monies authorized.</sup>

**3.** The estates of the said late Alexander Lindsay and of the latter's wife, née Janet MacKenzie, shall pay the costs and disbursements incurred by the passing of this act, and same shall be paid out of the capital of the said estates. <sup>Payment of costs.</sup>

**4.** This act shall come into force on the day of its sanction. <sup>Coming into force.</sup>

