



CHAPTER 137

An Act respecting the estate of the late John Fernie Higginson

[Assented to, the 1st of April, 1927]

WHEREAS the late John Fernie Higginson, in his life-^{Preamble.}
time of the town of Buckingham, Province of Quebec,
miner, was, on or about the 20th day of September, 1898,
duly united in marriage to Elizabeth Isabelle Cumming, of
the said town of Buckingham, and that the said John
Fernie Higginson and Elizabeth Isabelle Cumming were
by their marriage contract separate as to property;

Whereas the said John Fernie Higginson died intestate
on or about the 21st day of June, 1926, leaving three
children issue of said marriage, namely: Isabelle Fernie
Higginson, Margaret Cumming Higginson and Ruth
Alexandra Higginson, now of the ages of twenty-four years,
twenty-one years and fourteen years, respectively;

Whereas William A. Cumming, of the said town of Buck-
ingham, Doctor of Medicine, was, on or about the 15th day
of November, 1926, appointed tutor to the said Ruth Alex-
andra Higginson, and has, by his petition, represented:

That the said John Fernie Higginson at the time of his
death owned certain riparian and hydraulic properties,
mining rights and other real estate of considerable value;

That the said Elizabeth Isabelle Cumming acquired the
share of the said Isabelle Fernie Higginson and of the said
Margaret Cumming Higginson in the said properties and
in the succession and estate of the said late John Fernie
Higginson and still owns the same, along with the interest
in said properties, succession and estate, inherited by her
in her own right, and the said Ruth Alexandra Higginson
is now also the owner of an undivided share in said proper-
ties, succession and estate, inherited by her as one of the
children of her said father;

That the said late John Fernie Higginson was at the

time of his death indebted to various parties in considerable sums of money, still unpaid;

That it is impossible to sell advantageously the undivided share of said Ruth Alexandra Higginson in said properties by public auction, but the petitioner has represented that certain of the said properties, especially the riparian and hydraulic properties above referred to, can be sold on satisfactory terms by private sale;

Whereas the petitioner has represented that it is in the interests of the said minor, Ruth Alexandra Higginson, that an act be passed authorizing and empowering the said William A. Cumming, tutor to the said Ruth Alexandra Higginson, and his successors in office, without judicial or other formalities, to join with the said Elizabeth Isabelle Cumming, widow of the said late John Fernie Higginson, and from time to time, as occasion may present itself, to sell the share and interest of the said minor, Ruth Alexandra Higginson, in the said properties heretofore owned by the said late John Fernie Higginson, and on such terms and conditions as may be agreed upon in disposing of or dealing with the interest of the said Elizabeth Isabelle Cumming, widow of the said late John Fernie Higginson, in the said properties; and

Whereas it is expedient to grant the prayer of such petitioner;

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

W. A. Cum-
ming au-
thorized to
deal with
the share of
Ruth A.
Higginson.

1. William A. Cumming, tutor to the said Ruth Alexandra Higginson, while duly in office and acting as such tutor and likewise his successors in office, is authorized and empowered, with the authorization of a family council and the approval of a judge of the Superior Court, to join with the said Elizabeth Isabelle Cumming, widow of the said late John Fernie Higginson, from time to time as occasion may present itself, and on such terms and conditions as may be agreed upon, to sell, promise and agree to sell, exchange, alienate, hypothecate, transfer with or without legal warranty and generally in every way deal with the share and interest of the said minor Ruth Alexandra Higginson in the real estate, real rights, mortgages, mortgage and hypothecary claims, mining rights, leases, notes or securities of various forms in financial commercial, industrial or municipal corporations, and in all moveable and immoveable properties of every kind and description included in the said succession and estate of the said late John Fernie Higginson or in which the said minor, Ruth

Alexandra Higginson, may be interested, and to receive any and all sums due or to become due and delegate payment thereof, whether in capital or interest, and give valid acceptances therefor, and the said tutor, or his successors in office, without judicial or other formalities, is authorized and empowered to join likewise in the collection of all moneys or things due the said estate of the said late John Fernie Higginson and in all actions at law or otherwise required to enforce the same, in the settlement or compromise of any such claims and in giving of good and valid receipts for any and all sums due and payable to the said estate or for the amount of any compromise thereof, and, moreover, the said tutor is authorized to agree, with the authorization of a family council and the approval of a judge of the Superior Court, for and on behalf of the said minor, Ruth Alexandra Higginson, to a division of the properties of the said estate of the said late John Fernie Higginson in whole or in part, and to join in liquidating the debts of the said estate in whole or in part by applying thereto the moneys derived from the sale or sales of or dealings with the assets thereof, and the said tutor, and his successors in office, is authorized, with the authorization of a family council and the approval of a judge of the Superior Court, to join with the said Elizabeth Isabelle Cumming, widow of the said late John Fernie Higginson, in the disposal of or dealings with the assets of the said estate or the division thereof, in such manner as he deems advisable, either in the liquidation of the debts of the estate or in depositing the share of the price of sale coming to the said minor in a chartered bank, not to be withdrawn therefrom during the minority of the said minor except under an order of a judge or of the Prothonotary on the advice of a family council, to be invested in accordance with the provisions of article 981^o of the Civil Code.

2. All the costs in connection with the passing of this Costs of act. act shall be paid out of the property of the said estate.

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