

sum of forty-one thousand dollars, in addition to the loans already authorized by the act 8 George V, chapter 140.

**2.** The said loans shall be used (a) to pay the amount Use of loans. of the costs of all the parties, with interest, of the appeal to the Privy Council, as well as the costs in the lower courts, incurred in the action for partition in which Dame Mary M. Duchesnay was plaintiff and Philippe Duchesnay and others, defendants, and the Honourable Sir Alexandre Lacoste and others, in their capacity, were impleaded (*mis en cause*), according to the judgment of the Lords of the Privy Council, sitting at London in England, dated the 18th of October, 1923; (b) to pay for gross repairs.

**3.** The lender shall not be obliged to see to the employ- Lender no ment of the sums so borrowed. liable.

**4.** The said testamentary executors and administrators Authoriza- and their successors are authorized to hypothecate, for the tion to hy- above purposes, immoveables of the said estate, and the pothecate. hypothecs so made shall be valid as against the legatees, whether institutes or substitutes, usufructuaries or proprietors, under the above will and codicils.

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

## C H A P. 143

An Act to authorize the testamentary executors of the estate of the late Gaspard Archambault, senior, to borrow under certain conditions

[Assented to, the 4th of March, 1925]

**W**HEREAS Joseph Archambault, King's Counsel, of Preamble. the city of Outremont, and Gaspard Archambault, civil engineer, of the city of Montreal, in their capacity of testamentary executors and fiduciary administrators of the estate of the late Gaspard Archambault, senior, in his lifetime, physician, of the city of Montreal, have, by their petition, represented:

That Gaspard Archambault, senior, made his will in authentic form on the 5th of June, 1902, before Maître F. Samuel McKay and Maître Victor Morin;

That the said Gaspard Archambault died on the 14th of June, 1904;

That, by a judgment of the Superior Court of the district

of Montreal, of the 20th February, 1918, Joseph Archambault, King's Counsel, and Gaspard Archambault, were appointed testamentary executors and fiduciary administrators of the estate of the late Gaspard Archambault, senior;

That the said will created a substitution, the institutes being the sons of the testator: Joseph, Papin, Gustave, Léon and Gaspard Archambault;

That under the said will and clause seven thereof, the testator granted to his testamentary executors and fiduciary administrators and to those who may replace them full seizin and possession of all his property, with full power to manage, administer, sell, transfer, exchange and alienate the said property, and generally for all acts of the fullest administration;

That the said estate is exclusively composed of immoveables upon which there are hypothecs;

That, in order to effect payment of the hypothecs upon the said immoveables, as the estate has no current capital, it is necessary for the testamentary executors to borrow the sum required for the purpose by giving fresh hypothecary securities on the said immoveables;

That doubts have arisen as to the interpretation of clause seven respecting the borrowing power of the testamentary executors, with the result that, when payment of the hypothecs became due, the testamentary executors could not borrow and, in order to save the properties, had to have recourse to personal loans from the institutes or to discharges with subrogation;

That it is in the interest of the estate and of justice that the testamentary executors be authorized, on giving as security the immoveables of the estate, to borrow the sums necessary to repay the advances made by the said institutes and to pay off the hypothecs hereafter, as the payments upon them fall due;

That, moreover, for the proper administration of the said immoveables and to add to their value and as the estate has no liquid assets, it is necessary that the testamentary executors be authorized to borrow, by hypothecating the said immoveables, the sums necessary for gross repairs, and improvements and alterations, which are useful and in the interest of the said estate;

That all the parties interested in the said estate consent that such authorization be granted to the testamentary executors and fiduciary administrators;

Whereas it is expedient to grant the prayer contained in such petition;

Therefore, His Majesty, with the advice and consent of

the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** The testamentary executors and fiduciary administrators of the estate of the late Gaspard Archambault, senior, and those who successively replace them, are authorized to borrow, on the security of the immoveables of the estate, the sums necessary to repay the advances made by the said institutes and to hereafter pay the hypothecs when payment thereof becomes due. Authorization to borrow, etc.

**2.** The testamentary executors are authorized to borrow, by hypothecating the said immoveables, the sums required for gross repairs, and improvements and alterations which are useful and in the interest of the said estate. Idem.

**3.** The costs incurred for the passing of this act shall be paid by the estate. Payment of costs.

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

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#### CHAP. 144

An Act respecting the estates of Félix Lussier and Angélique Deschamps and of Albert Lussier and Marie Louise Massue

[Assented to, the 4th of March, 1925]

**W**HEREAS Paul Aimé Lussier, Régina Lussier, wife separate as to property of Gaspard Bousquet, of Varennes, and Angélique Lussier, spinster of the age of majority, of the city of Outremont, have, by their petition, represented: Preamble.

That they are the only living children in the first degree, issue of the marriage of the late Albert Lussier, in his lifetime gentleman and former member of the Provincial Legislature, with the late Marie Louise Massue; and that the said late Albert Lussier was one of the children in the first degree issue of the marriage of the late Félix Lussier, in his lifetime seignior of Varennes, with the late Angélique Deschamps;

That the said late Félix Lussier and Angélique Deschamps, his wife, died over forty years ago, each leaving a last will executed in authentic form before E. A. Beaudry, notary, on the 5th of August, 1873, which wills have not been revoked and are in force;