

Edouard Biron, by which the said Dame Bernadette Payette, widow of Joseph Gareau, shall expressly renounce all her rights and titles, actions and recourse by reason of the life rent in her favour, and another deed shall be passed by which the said Antoine Rodolphe Ranger, in his capacity aforesaid, shall sell to the said Dame Bernadette Payette the immovable above mentioned at the price and on the terms and conditions above set forth;

Whereas, in order to carry out the said deed of agreement of the 8th of August, 1919, the said Antoine Rodolphe Ranger in his capacity aforesaid, Dame Bernadette Payette, the Misses Marie Anne Martel, Antoinette Martel, Bernadette Martel and Joseph Martel, in their capacity aforesaid have, by their petition, represented the facts above set forth and have prayed for an act to ratify and confirm the said deed of agreement of the 8th of August, 1919;

Whereas it is expedient to grant the prayer of 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:

1. The testamentary executor and trustee of the late Joseph Gareau is hereby authorized to join in the deed entitled "Agreement between Antoine Rodolphe Ranger, *ès qualité*, Dame Bernadette Payette, widow of Joseph Gareau, Joseph Martel, *ès qualité*, the Misses Marie-Anne Martel, Antoinette Martel and Bernadette Martel", passed at Montreal on the 8th of August, 1919, before Mr. Edouard Biron, notary.

Authoriza-
tion to
executor to
join in deed.

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

Coming
into force.

CHAP. 155

An Act respecting the estate of the late Louis
Raymond Plessis-Bélair

[Assented to, 14th of February, 1920]

WHEREAS Léon Gélinas, accountant, of the city of Montreal, in his capacity of administrator and testamentary executor of the succession of the late Louis Raymond Plessis-Bélair, and Louis P.-Bélair, butcher, also of the city of Montreal, in his capacity of curator to

Preamble.

the substitution created by the will of the said Louis Raymond Plessis-Bélair, have by their petition represented:

That the said Louis Raymond Plessis-Bélair, of the city of Montreal, gentleman, died many years ago ;

That, by his will and codicil, respectively made before notaries on the 26th July, 1842, and the 9th of September, 1845, the said Louis Raymond Plessis-Bélair bequeathed the usufruct of nearly the whole of his moveable and immoveable property to his children and grandchildren by roots, and after such legacy of the usufruct the said testator added: "After the death of my grandchildren, I give and bequeath the ownership of the said property to my great-grandchildren; nevertheless they shall not be able to sell the said property until after the youngest of my great-grandchildren has attained the full age of twenty-one years";

That, for the purpose of executing his said will and codicil, the said testator provided for the appointment of testamentary executors and administrators of his property in whose hands he disseized himself of all the said property ;

That the said petitioner, Léon Gélinas, was appointed testamentary executor and administrator of the said estate beyond the year and a day, on the 19th January, 1909, by judgment rendered by Honourable Mr. Justice Fortin, one of the judges of the Superior Court for the district of Montreal, and the said petitioner, Louis P. Bélair, was appointed curator to the said substitution by judgment rendered by the prothonotary of the district of Montreal on the 31st December, 1910;

That the said Louis Raymond Plessis-Bélair left at his death six children, all of whom are now dead ;

That the six children of the said testator left nineteen children (grandchildren of the testator) and that all these grandchildren of the testator are also now dead with the exception of a single one namely: Sylva Bélair, merchant clerk, of the city of Montreal, aged about sixty-five years, who also has children ;

That the great-grandchildren of the testator now living, including the children of the said surviving grand-child, have all attained the age of twenty-one years, and they number at least seventy-five ;

That among the testator's great-grandchildren, some are now dead and they also have left children who claim to have rights in the said estate as representing their fathers or mothers ;

That, owing to the multitude of these great-grandchildren of the testator, it is impossible to know their

exact number, and among those who are known there are some whose place of residence is unknown;

That the principal asset of the estate of the said late Louis Raymond Plessis-Bélair consists of an immoveable on St. Catherine street east, in the city of Montreal, and bearing No. 537 of the official plan and book of reference of St. James ward of the city of Montreal, the value whereof is at least one hundred and fifty thousand dollars;

That *bona fide* offers, which would be advantageous to the estate, have already been made for the purchase of the said immoveable, but that it is impossible to sell the same owing to the great number of interested parties to be consulted, and in view of the doubts that have arisen regarding the interpretation of the said will and codicil, as regards the heirs who have really the right to be considered as legatees as to ownership and also as to the question of knowing whether the partition should be made by roots or by heads;

That it is necessary at once to increase the powers of the testamentary executor of the said estate to allow him to sell the property of the said estate;

That it is also necessary to provide means for legally summoning all the heirs of the said estate either for an action in licitation and partition, or any other contentious or non-contentious proceedings in order to have the respective rights of the legatees as to the property of the said estate determined;

That, notwithstanding the fact that one of the testator's grandchildren is still living, it is also necessary to at once fix the date for the partition of the property of the estate, owing to the complications that have already arisen from the great number of legatees as to ownership who claim to have rights to the said property, and it has even become impossible for the testamentary executor to distribute the revenues of the estate without being exposed to distributing the same to persons who may have no right to receive them under the terms of the said will;

Whereas, after having set forth the above facts, the petitioners have asked, by their petition, that more extended powers be granted the testamentary executor of the estate in order to sell the moveable and immoveable property of the said estate by mutual agreement; that the date for the partition of the property of the estate be now fixed, and that, for the purposes of such licitation and partition or for any other contentious or non-contentious matter in connection with the said estate, a special method be granted for summoning the heirs of the said estate;

Whereas it is expedient to grant the prayer of 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:

Authoriza-
tion to sell
property of
estate.

1. The testamentary executor and administrator of the property of the estate of the late Louis Raymond Plessis-Bélair is hereby given the right to sell the moveable and immoveable property of the said estate, by observing the formalities of law provided for the sale of substituted property, upon advice of the interested parties present at the meeting called for the purpose by collective notice "to the heirs of Sieur Louis Raymond Plessis-Bélair" given in such manner as the judge may order.

The purchase price, when paid, shall be invested or deposited for the benefit of the substitution in accordance with the provisions of article 953a of the Civil Code, and the purchaser shall be discharged from the obligation of seeing to the investment of such purchase price, once for all, from the moment it has been invested by the testamentary executor and the curator to the substitution in accordance with the provisions of paragraphs 3 and 4 of said article 953a or has been deposited in the hands of the prothonotary in accordance with paragraph 5 of said article.

Partition
may be made
at any time.

2. The partition of the moveables and immoveables of the said estate may be made at any time, even during the life time of the last surviving grand-child, subject however to the substitution of the part belonging to said surviving grand-child, and such partition shall be final.

Heirs may
be summoned
at any
time.

3. Whenever in any action or proceeding it may be necessary to summon all the legatees or their representatives of said estate, they may be summoned collectively under the name of "The heirs of the late Louis Raymond Plessis-Bélair" through the newspapers, according to article 136 of the Code of Civil Procedure.

Procedure
for making
partition.

4. Whenever it becomes a question of making the partition of the property of the said estate, the legatees and their representatives, upon petition to a judge of the Superior Court by the said testamentary executor, shall be collectively summoned, as above stated in section 3 of this act, and the court, after hearing the interested parties, shall establish the list of those sharing therein, save as to those of the said legatees or their representatives who have no knowledge of the above petition or have not taken part in the said partition, who shall have a right to claim against

all who shared in the said partition in the same way as an absentee under article 101 of the Civil Code.

5. The cost and fees incurred in connection with the passing of this act shall be paid out of the mass of the estate of the said late Louis Raymond Plessis-Bélair. Costs of this act.

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

C H A P. 156

An Act to extend the powers of the executrix of the will of
the late Charles G. Brown

[Assented to, 14th of February, 1920]

WHEREAS Dame Jennie C. Brown, of the city of Sherbrooke, wife separate as to property of Frank Norcross, of the same place, manager, and by him duly authorized, has, by her petition, represented, among other things, that on the fourth day of October, 1918, the late Charles G. Brown, her brother, made a will in the holograph form, which will was duly probated by the Superior Court for the district of Saint Francis on the 29th day of April, 1919; Preamble.

That the said Charles G. Brown died on the 26th day of December, 1918;

That, in his said will, the said Charles G. Brown made certain bequests, to the Baptist Church, to his brothers and sisters, and to certain nephews and nieces, and appointed the petitioner as his usufructuary legatee, and provided that after the death of the petitioner, his estate was to be divided as follows: to Beverly Norcross, daughter of your petitioner, one-half of the said estate, to Eva Brown, sister of the said Charles G. Brown, one-quarter of the said estate, and to Clarence Hallett, nephew of the said Charles G. Brown, the other quarter of said estate;

That the said Beverly Norcross and Clarence Hallett are minors;

That on the twenty-second day of September, 1913, the said Charles G. Brown made a will, before Borlase, N.P., at the city of Sherbrooke, which will was later changed by a codicil written upon a duly certified copy of said will;

That it appears by the said will of 1913, and by the will of the 4th of October, 1918, that it was the intention of the said Charles G. Brown to appoint your petitioner as executrix to his will, and to extend her powers as such