

and administrators, and to bind the estate for the payment of such loans, in capital, interest and costs; the amount of the said loans shall not be more than the sum of \$83,000, to wit: firstly, \$38,000 to discharge the obligation assumed by the estate in the deed of sale from Paul Ogulnik, of the 11th of December, 1916, passed before Robert H. Barron, N. P.; and secondly, \$25,000 to erect a building on St. Lawrence Street in the city of Montreal; and thirdly, \$20,000 in one or more amounts to meet the greater repairs or such other contingencies where it may be necessary to borrow for the advantage and in the interest of the estate.

2. The said testamentary executors and administrators and their successors shall have the right to hypothecate and pledge, for the above purposes, all and every the said moveable and immoveable property of the said estate; and the hypothecs and pledges so given shall be valid against the legatees, whether they be institutes or substitutes under the said will and codicils.

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

Authorized to hypothecate property of estate.
Coming into force.

CHAP. 141

An Act respecting the estate of the late Eloi Ouimet

[Assented to 9th February, 1918]

WHEREAS the corporation of L'Assomption college, a body politic and corporate, having its place of business in the town of L'Assomption, district of Joliette, has, by its petition, represented:

That on the 20th February, 1916, Eloi Ouimet, farmer, of the parish of St. François de Sales, county of Laval, made his last will before Mr. Paul Arthur Séguin, notary, and two witnesses;

That, by his said will, the testator, after several particular legacies, bequeathed all his immoveable property to Miss Auxilda Watier, his sister-in-law, to whom he also bequeathed the enjoyment and usufruct of all the moneys he might leave at his death and the house and dependencies he might also have at the time of his death;

That the said testator appointed and instituted the said Miss Auxilda Watier his testamentary executrix, and extended that office beyond the year and a day for everything concerning the administration of the estate, dispensing her

from having an inventory made and giving security, and directing that she should not have any account to render to anybody regarding her administration and management;

That, as to the residue of his property, the said testator disposed of the same by the following clause:

"I will that all my property not bequeathed by this will, be used for good works to be chosen by my testamentary executrix, and, if she dies without having determined for which works my said property shall be used, then in that case, *L'Oeuvre des Séminaristes pauvres* and that of *Les Missions Etrangères* shall benefit by my said property;"

That on the 19th of March, 1916, the said Eloi Ouimet died in the town of Terrebonne, without altering his will, which was registered in the registry office of the county of Terrebonne under the No. 67913;

That the said Miss Auxilda Watier accepted the testamentary succession of the said Eloi Ouimet and the said office of testamentary executrix, and acquitted and paid all the debts and particular legacies, less, however, those which were payable only at the death of the said Miss Watier;

That the said testamentary executrix and usufructuary of the property left as aforesaid by Eloi Ouimet, wishing to fulfil and carry out the testator's wishes, entered into negotiations with the authorities of the L'Assomption college to have that institution benefit by the legacy given by the testator for good works; and that, on the 22nd of September, 1916, she wrote a letter to the said corporation of L'Assomption college, offering to transfer to it immediately all the assets of the estate of the said Eloi Ouimet whereof she had the enjoyment, on condition that she be reimbursed certain amounts which she had paid for the estate, such as medical fees and the Government tax, and that she should be paid interest at the rate of twelve per cent, to take the place of her enjoyment, and on condition that a classical education be given to the child of Albert Ménard, or any other whom she might designate; and at the charge of having a funeral service celebrated at the death of the said Miss Auxilda Watier;

That on the 2nd of October, 1916, the corporation of L'Assomption College passed a resolution, accepting the proposition of Miss Auxilda Watier, and authorized one of its members, the Reverend J. A. Lamarche, priest, and procurator of the corporation, to sign all deeds required for lawfully and regularly effecting the transfer of the sums due the Ouimet estate, and other property of the said

estate, to the said corporation, on the conditions set forth by the said Miss Auxilda Watier, in her said letter;

That the said resolution of the corporation of the L'Assomption college was communicated to Miss Watier, but that, by a combination of unfortunate circumstances, the notarial deed of conveyance of the property of the said estate could not be passed at once, and Miss Watier died at Terrebonne on the 20th October, 1916, without having signed the said deed giving legaleffect to her proposal duly accepted by the corporation;

That the said testamentary executrix was only about sixty years of age, and that she died suddenly, without anything leading to foresee such sudden death;

That the property left by the said Eloi Ouimet and so bequeathed in usufruct to Miss Auxilda Watier, and which is the object of the said universal legacy, consists of sums of money lent on notes and obligations secured by hypothees, and also a property situate in the town of Terrebonne, and known and designated as part of lot No. 132 of the official plan and book of reference of the town of Terrebonne, fronting on St. Louis street of the said town of Terrebonne;

Whereas the said petition further sets forth that the corporation of L'Assomption college is a religious institution, established for the education of young students, and that it gives such education gratuitously to a good number of poor children;

That by choosing L'Assomption college to benefit by the property of the estate of the testator, the said Miss Auxilda Watier voluntarily and definitively indicated the work for which she wished the said property of the estate to be used, and accomplished the will of the testator;

That, if she had not died suddenly, the deed of transfer of the said property would have been passed in the month of October, 1916, as the notary had received instructions from both parties to draw up the same;

Whereas the said petition further submits that the only way to carry out the testator's express will and to dispose of his property for good works at the choice of the testamentary executrix, is to sanction the decision she took, since *l'Oeuvre des Séminaristes Pauvres* and that of *Les Missions Etrangères* mentioned in the said will, in the event of the said testamentary executrix dying without indicating such decision, have no legal and corporate existence and are unable to receive the said property;

Whereas, by the said petition, the corporation of L'Assomption college asks for the passing of an act to legalize and confirm the gift and transfer made and consented to by the said testamentary executrix, Miss Auxilda

Watier, to the corporation of L'Assomption college of the property belonging to the estate of the said late Eloi Ouimet and whereof the said Miss Auxilda Watier had the enjoyment and usufruct, and not otherwise bequeathed by the will, at the charge of the said corporation paying and acquitting the debts and charges of the said estate, if any, and of fulfilling the obligations imposed on the said corporation by the said Miss Auxilda Watier, in her said letter of the 22nd of September, 1916, and accepted by the said corporation, as stated in the said documents deposited amongst the minutes of Mr. Paul Arthur Séguin, notary, under the No. 2546 of his repertory;

Whereas His Grace Monseigneur Paul Bruchesi, Archbishop of Montreal and President of the said corporation, has given his consent to the passing of this act;

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

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

Gift and transfer confirmed and declared legal.

1. The gift and transfer by Miss Auxilda Watier to the corporation of L'Assomption college of the property belonging to the estate of the late Eloi Ouimet by her letter of the 22nd of September, 1916, on the conditions therein set forth, and accepted by the said corporation, are hereby confirmed and declared legal, to avail as if the deed of transfer proposed by the letter of Miss Watier of date the 22nd of September, 1916, had been legally signed by the parties.

Certain questions reserved for decision of courts.

2. The preceding section shall have effect only if the clause in the will of the said Eloi Ouimet respecting the residue of his property, and recited in the preamble of this act, is legal, and if Miss Auxilda Watier had the right under such clause to make such transfer and assignment of such property. These questions shall remain subject to the general laws in force and to the consideration of the courts in case of litigation.

Coming into force.

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

C H A P . 142

An Act respecting the estate of François Decary

[Assented to 9th February, 1918]

WHEREAS Arthur Gagnon, merchant, of Montreal, in Preamble.
his capacity of fiduciary legatee of the late François Decary, in his lifetime of Montreal, has by his petition represented:

The he was instituted fiduciary legatee of François Decary, under the will of the latter made before Mr. A. C. Decary, N. P. and his colleague, Mr. J. A. Brunet, on the 13th September, 1892, with his duties extended until the full execution of the testator's will;

That the said François Decary died at Montreal on the 30th of December, 1894;

That, under the latter's will, the petitioner was seized of all the immoveable property and of the residue of the moveable property forming the testator's estate, to hold and administer them as trustee until the death of the survivor of the children born of the marriage of the said François Decary with his wife Dame Hélène Villeneuve, with power to sell by mutual agreement the moveables and vacant lots of land comprised in the estate, or to build on such vacant lots at his choice, without any judicial formality; the proceeds of such sales to be used in paying the debts or invested in hypothecs;

That it appears from the provisions of the said will that the testator wished to assure the subsistence of his wife and children out of the revenue of the immoveable properties constituting his estate;

That most of those properties are now so old that the revenue they yield is greatly diminished, and, on the other hand, considerable repairs are urgently needed, and in many cases total or partial rebuilding is necessary;

That the only way to meet the expenses necessitated by this state of affairs would be to contract a considerable loan by means of a hypothec on the immoveable properties of the estate;

That the interested parties have realized the need of such a loan, and have even authorized the petitioner to effect the same under an authorization duly homologated by the court on the 26th of November 1913, but that such loan could not be effected owing to doubts that then arose with reference to the sufficiency of the powers given by the testator to the fiduciary legatee;

That, under the circumstances, it would be in accordance