

sited in the hands of the Prothonotary in accordance with paragraph 5 of said article.

The institute, or in case of his decease, his wife, as long as she remains unmarried, according to the intention of the said will, shall enjoy the revenues derived from the proceeds of the sale authorized by this act, until the opening of the said substitution.

3. The costs of this act, and those occasioned by the sale, shall be payable out of the money derived from the sale authorized by this act.

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

CHAP. 122

An Act respecting the estates of the late Jean Baptiste and Hercule Beaudry.

[Assented to 19th February, 1914]

WHEREAS Dame Emma Zaide Beaudry, widow of Louis Fréchette; Dame Jeanne Fréchette, wife of Honoré Mercier, advocate and member of the Legislative Assembly; Dame Louise Fréchette, wife of Henri A. Beique, advocate, and Dame Pauline Fréchette, wife of J. A. Handfield, physician, all of the city and district of Montreal, have, by their petition, represented:

That by his will made before Bell, notary, on the 6th April, 1863, Jean Baptiste Beaudry, the father and grandfather of the petitioners, in his lifetime Burgess of the city of Montreal, expressed the following among his last wishes, to wit:

“As to the remaining moveables and immoveables *acquets et propres*, money coined and not coined, debts due me, moveable and immoveable rights of action, and generally everything I may leave at my death, whatever may be their quality, nature, value, consistence and situation, when my debts, funeral expenses, services, masses and the legacies hereinafter stated are paid, I give and bequeath the enjoyment thereof to my children born and to be born of my marriage with Dame Marie Anne Dumont, to be enjoyed by them during their lifetime subject to the usual legal conditions for usufructuaries, the ownership of such property after the death of my said children, or of each

of them, to belong to the children to be born of their respective marriages and be divided among them by roots, my grandchildren substituted to my children by these presents with respect to my said property, to have and dispose of the same in full ownership;”

That the said Jean Baptiste Beaudry died in the city of Montreal, on or about the 29th November, 1877, without having revoked the said will;

That, at his death, the children born of his said marriage and then living, were the said Dame Emma Zaide Beaudry, one of the petitioners, Dame Joséphine Ida Beaudry, Polyxène Beaudry and Hercule Jean Baptiste Beaudry;

That all the children of the testator, Jean Baptiste Beaudry, accepted their father's succession and became universal legatees as institutes in the substitution;

That, by his solemn will made before Papineau and colleague, notaries, on the 29th June, 1881, the said Hercule Jean Baptiste Beaudry, son of the testator firstly mentioned, and brother of the said petitioner, Dame Emma Zaide Beaudry, expressed the following among his last wishes, to wit:

“As to the remainder of all my moveable and immoveable property, rights and actions generally whatsoever, I give and bequeath the same to my three sisters: Marie Anne, Polyxene, Zaide Beaudry, wife of Louis Honoré Fréchette, esquire, advocate, and Marie Joséphine Ida Beaudry, wife of Alexis Edouard Armand Prévost, all of the city of Montreal, that they share the same as soon as they can and may find it advantageous after my death, each one to enjoy her share during her life-time as a careful proprietor and to transmit the ownership thereof to her children and descendants born or to be born in lawful marriage, such children to share the said property among themselves equally by roots;”

That the three universal legatees mentioned in the above cited testamentary provisions of the said Hercule Jean-Baptiste Beaudry, accepted the said legacy in accordance with the said testator's desire and took possession thereof;

That, by a judgment rendered by Honorable Mr. Justice Taschereau, on the 14th November, 1890, in a case bearing the No. 817 of the records of the Superior Court, wherein the said petitioner was plaintiff and her said sisters were defendants, a judicial partition was homologated and the petitioner received in her share in the said estate several of the immoveables left by her father Jean Baptiste Beaudry, subject to the substitution in favor of her children born and to be born;

That the said petitioner took possession of the said immoveables and has always held them in her capacity of institute;

That the substitutes are the other petitioners, that they are all of full age of majority, are all three married and two of them have several children;

That the immoveables which have fallen to the share of the said petitioners are old and no longer equal to the present value of the lots on which they are built, and that it is necessary either to sell one or several of the said immoveables in order that they may yield revenues proportionate to their value or to rebuild them, which the said estate cannot presently do through lack of sufficient available funds;

That by selling one or several of such immoveables, or hypothecating the same, the petitioner, who is the institute, and the substitutes in the substitution, might re-invest the proceeds or use the same in rebuilding them and increasing the value of the other immoveables for the greater benefit of the said estate;

That if a very favourable opportunity were offered the said estate for selling, exchanging, hypothecating or alienating, wholly or partly, one or more of the said immoveables, the petitioner who is the institute would be unable to avail herself of the same;

That the petitioners who are the substitutes in the substitution, authorized by their husbands, are anxious to have the petition granted;

And whereas it is expedient to grant the petitioners' prayer;

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

1. Notwithstanding the clauses of the wills of Jean Baptiste Beaudry and of Hercule Jean Baptiste Beaudry, her father and brother, respecting the alienation of the immoveables connected therewith and which came to her as her share in the said estate, Dame Emma Zaide Beaudry, may, with the concurrence of the curator to the substitution and those substitutes who are of age, borrow the amount necessary upon the terms and conditions they may consider advantageous, to improve and reconstruct any of the buildings erected on any of the properties of the estates; and hypothecate all on any part of the immoveables as security for the payment and return of the sums borrowed, and the accessories of the loan; or sell all or any part of said immoveables for the price and upon the terms and

Sale, exchange, hypothecation or alienation of immoveable authorized on certain conditions notwithstanding clause of will.

conditions that they consider proper, provided that if the proceeds of such sale be not used in the improvement or reconstruction as above provided, the investment of such purchase price, or any surplus of such price, not used as above mentioned, be made in accordance with the provisions of article 953a of the Civil Code. The purchaser in any case shall be freed from further responsibility when once he has seen that such purchase has been invested in accordance with the provisions of this act.

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

C H A P. 123

An Act to authorize the testamentary executors and trustees of the late Honourable Louis Archambeault to sell a property of the estate.

[Assented to 19th February, 1914]

Preamble.

WHEREAS by his holograph will made and signed at l'Assomption on the 27th October, 1887, and by a codicil dated the 29th October, 1888, the said late Honourable Louis Archambeault, after establishing certain annual and life rents amounting in the aggregate to the sum of two thousand six hundred dollars to Dame Marie Elizabeth Dugal, his wife, his son Alfred, then a priest and afterwards Bishop of Joliette, and his two daughters Albina and Alphonsine Archambeault, and after bequeathing the remainder of the revenue from his property to his two sons Louis Henri and Horace Archambeault, constituted as his universal legatees the children born in lawful marriage of the said Louis Henri, Horace, Albina and Alphonsine Archambeault, the said universal legatees to take possession of the property at the death of the said Louis Henri and Horace Archambeault; and he afterwards appointed his said wife, Marie Elizabeth Dugal and his three sons, Louis Henri, Horace and Alfred, his testamentary executors and trustees, giving them all his property in trust, to manage and administer the same, to pay the debts and rents, to sell certain properties of the estate if they deemed it advisable and to invest the proceeds of the sale of such property; and to hand over the said properties to the universal legatees at the death of the survivor of the said Louis Henri and Horace Archambeault;