

Whereas the company has prayed that such powers be granted it and it is expedient to grant its prayer;

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

1. Without prejudice to the powers it already possesses under its letters patent of incorporation, *La Compagnie Hydraulique Stadacona* may acquire and take possession of the lands and right of way required for the erection of its poles and the installation and maintenance of its transmission lines for electric power, by proceeding in the manner prescribed by articles 6592, 6593 and 6594 of the Revised Statutes, 1909, *mutatis mutandis*.

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

Coming into force.

C H A P . 117

An Act to authorize the sale or other disposition of certain property belonging to the estate of the late Miss Marie Anne Angelique Clara de Lisle.

[Assented to 21st December, 1912]

WHEREAS, Charles Alexander de Lisle, of Toronto, Ontario; Preamble.
 James Norman Stuart Leslie, of Kingston, Ontario;
 Dame Marie Georgianne de Lisle, of Montreal, wife of Joseph Henri Pilet, of parts unknown, as well personally as in her quality of institute in the substitution created as to her share in the estate and succession of the late Dame Marie Angelique Cuvillier, in her lifetime of Montreal, widow of the late Alexandre Maurice de Lisle, under her last will and testament, as also in her quality of institute in the substitution created as to her share in the estate and succession of the late Miss Marie Anne Angelique Clara de Lisle, in her lifetime of Montreal, under her last will and testament; Dame Marie Victoria Cordelia de Lisle, of Kensington, in England, widow of the late Oliver Selby, as well personally as in her quality of institute in the substitution created as to her share in the said estate and succession of the said late Miss Marie Anne Angelique Clara de Lisle, under and by virtue of the said last will of the latter; The Montreal Trust company, of Montreal in its quality of curator to the three substitutions aforesaid; Dame Henrietta O'Connor, of Montreal, widow of the late Maurice Nowlan de Lisle, in her quality of executrix of the last will and testament of her said late husband; and the Reve-

rend Majorique Bolduc, of Cacouna, Quebec, in his quality of executor of the last will and testament of the late Miss Marie Lucy Anne Catherine de Lisle, in her lifetime of Montreal, have by their petition represented:

That the said late Dame Marie Angelique Cuvillier made and executed her last will and testament before F. J. Durand and O. Marin, notaries public, on the 4th January 1884, at Montreal, by which, after providing for certain special legacies, she gave and bequeathed to her children of the first degree, the surviving issue of her marriage with the said late Alexandre Maurice de Lisle, and to the children born and to be born, in lawful marriage, of those of her children of the first degree who should predecease her, as representing their respective parents *par souche* the rest and residue of her property;

That said late Dame Marie Angelique Cuvillier departed this life, at Montreal, on the 17th February 1886, leaving her said will unrevoked, and her estate and succession devolved thereunder upon her six surviving children to wit: Charles Alexander de Lisle, Maurice Nowlan de Lisle, Dame Marie Georgianne de Lisle, Dame Marie Victoria Cordelia de Lisle, Miss Marie Anne Angelique Clara de Lisle, and Miss Marie Lucy Anne Catherine de Lisle, and upon her grandchildren, issue of the marriage of a predeceased daughter Dame Marie Elmiere de Lisle, with the late Patrick Leslie, to wit: James Norman Stuart Leslie, and Dame Marie Georgianne Stuart Leslie, all of the said universal legatees receiving the said estate and succession in full ownership with the exception of the said Dame Marie Georgianne de Lisle, whose share was made subject to a conditional substitution in favour of her children, issue of her marriage with the said Joseph Henri Pillet:

That the said Miss Marie Anne Angelique Clara de Lisle, departed this life, at Montreal, on or about the 10th March 1893, leaving unrevoked her last will and testament made at Montreal in the form derived from the laws of England, dated 7th March 1893, and duly probated by the Superior Court for the district of Montreal, on the 17th March 1893, whereby, among other things, she in effect, bequeathed her one-seventh part and share in the estate of her mother, the said late Dame Marie Angelique Cuvillier, to her co-legatees of that estate, but specially stipulating that the shares so bequeathed by her to her sisters the said Dame Marie Georgianne de Lisle and Dame Marie Victoria Cordelia de Lisle, should be subject to substitutions in favour of their respective children;

That said Miss Marie Lucy Anne Catherine de Lisle departed this life, at Montreal, on the 31st December 1902, leaving unrevoked her last will and testament, made at Montreal, in holograph form, and duly probated by the Superior Court for the district of Montreal, on the 5th September 1903, whereby

among other things, she named and appointed the Reverend Majorique Bolduc to be her testamentary executor granting him power to sell and extending his seizin beyond the delay fixed by law;

That said Maurice Nowlan de Lisle departed this life at Montreal on the 25th of March 1909, leaving unrevoked his last will and testament, made at Montreal, in authentic form, before Henry Fry, and R. H. Clerk, notaries public, dated the 24th December 1907, whereby, among other things, he named and appointed his wife, Dame Henrietta O'Connor, to be his testamentary executrix, granting her power to sell and extending her seizin beyond the delay fixed by law:

That by deed of sale, made and passed at Montreal, before T. Doucet, notary public on the 5th July 1909, Dame Marie Georgianne Stuart Leslie, one of the legatees of the estate and succession of the said late Dame Marie Angelique Cuvillier, sold and assigned her interest in the said estate to her co-legatees and their representatives, including the said Dame Marie Georgianne de Lisle;

That the petitioners are now the undivided owners of all of the property belonging to or depending upon the original estate and succession of the said late Dame Marie Angelique Cuvillier, no partage of the said estate ever having taken place, and the same being still administered as one estate by consent of all interested;

That the property of the said estate of the said late Dame Marie Angelique Cuvillier consists largely of building lots in the city of Montreal, which lots average 2500 square feet in superficies, and are now selling at an average price of fifty cents per square foot, or about \$1250.00 for each lot;

That the substituted shares of the said Dame Marie Georgianne de Lisle and said Dame Marie Victoria Cordelia de Lisle, as legatees under the will of the late Miss Marie Anne Angelique Clara de Lisle, in each of such lots equals only one forty-second part thereof, of a value of only about \$30.00

That on account of the existence of the substitutions created under the will of the said late Miss Marie Anne Angelique Clara de Lisle, it is impossible to sell or alienate any of the undivided property of the said estate and succession of the late Dame Marie Angelique Cuvillier, without on each occasion making application for authorization to the Court, judge or prothonotary, calling family councils, and complying with all other formalities required by the general laws of the Province with respect to the disposal or alienation of property where substitutions are concerned; and moreover owing to the absence of the husband of the said Dame Marie Georgianne de Lisle, from whom she is judicially separated as to bed and board, she is compelled to apply for judicial authorization to sell the shares and interests in said undivided property acquired by her personally, as being

one of the purchasers of the said share in said estate originally bequeathed to said Dame Marie Georgianne Stuart Leslie, and the said Dame Marie Georgianne de Lisle and the said Dame Marie Victoria Cordelia de Lisle are also compelled to apply for special authorization to withdraw from Court the proceeds of sales and to re-invest the same;

That in the past the expense attendant upon the compliance with the aforesaid formalities, all of which by law fall upon the institutes personally, has been enormous, in many instances even exceeding the total value of the fractional shares thus alienated, and unless relief is granted for the future, the observance of such formalities will financially cripple the institutes, and will seriously interfere with and delay the sale of the said undivided property of the estate of the said late Dame Marie Angelique Cuvillier, and thereby cause great injury to all parties concerned in the estate last named;

That by the act 49-50 Victoria, chapter 88, the said Dame Marie Georgianne de Lisle was relieved from all formalities in connection with the sale of her one seventh share in the estate of the said late Dame Marie Angelique Cuvillier, notwithstanding the substitution affecting the same, and she was also relieved from the necessity of obtaining marital authorization in the same connection; and like relief should be granted to her in connection with the estate and succession of the said late Miss Marie Anne Angelique Clara de Lisle;

That it is in the interest of the institutes and of the substitutes in the substitutions existing under the will of the said late Miss Marie Anne Angelique Clara de Lisle, that the sale of the property affected by such substitutions should be facilitated as far as possible in order to avoid the necessity of a partage and to enable the co-owners to take advantages of the opportunities at present offering to dispose of the undivided property to advantage;

Whereas the petitioners have prayed that an act be passed to the above effect and as contained in the said petition; and

Whereas, it is expedient to grant such prayer;

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

Certain
married
woman
authorized to
alienate
certain
property,
&c.
without
authoriza-
tion of

1. The said Dame Marie Georgianne de Lisle, and the said Dame Marie Victoria Cordelia de Lisle, as institutes in the substitutions created under the last will of the late Miss Marie Anne Angelique Clara de Lisle, together with the Montreal Trust Company, in its quality of curator to the said substitutions, or any other curator who may hereafter be appointed in its stead, are hereby authorized and empowered to alienate, hypothecate, transfer, sell and make over, or otherwise dis-

pose of or act in connection with the respective interests husband, &c. of the said two substitutions, in the said estate and succession of the said late Miss Marie Anne Angelique Clara de Lisle, whether the same refers to moveable or immoveable property. capital sums, or shares or interests in any financial, commercial, manufacturing or other joint stock company; to borrow money; to grant receipts, discharges and other acquittances as may be required; the whole in conjunction with the other universal legatees of the said late Dame Marie Angelique Cuvillier and of said late Miss Marie Anne Angelique Clara de Lisle, or their lawful representatives, without the said Dame Marie Georgianne de Lisle being obliged to procure or even ask for the authorization of her husband, but upon the authorization of a judge in chambers, and without either of the said institutes, or the said curator, being required to comply with any other formalities, or with the provisions of the laws in force in this Province requiring the calling of family councils, and the procuring of special authorizations in matters concerning the alienation of property where substitutions are concerned.

2. The institutes and curator of said substitutions, respectively, may, in conjunction with the other undivided owners of immoveable property affected by the said substitutions, give and grant deeds of sale of all the rights therein of such substitutions, upon the purchaser paying in cash at the time of the execution of the deed not less than twenty per cent of the purchase price, the balance to be secured by vendor's privilege, and provided also that all such deeds of sale shall contain a clause to the effect that in the event of the purchaser making default to punctually pay the balance of the price on the dates agreed upon, at any time before having paid fifty per cent of the purchase price, the said deed of sale shall *ipso facto* become null and void, and all payments made shall be forfeited to the vendors. This section shall apply only to vacant building lots.

3. The purchasers, transferees, pledgees, or other persons acquiring any of the said rights or property of the said estate of the said late Miss Marie Anne Angelique Clara de Lisle shall not be bound to see to the proper application of the proceeds of any transaction so had by them with the aforesaid institutes or curator, or any of them; and the institutes and curator of the respective substitutions are authorized to collect and receive such proceeds, subject however to the obligation to reinvest the same in the name of the respective substitutions and as provided for by article 9810 of the Civil Code.

4. The institute and the curator of said respective substitutions are further authorized to withdraw all monies which may

Certain sales authorized, &c.

Purchasers not to see to application of trusts, &c.

Withdrawal of moneys from protho-

**notary's
office.**

have been deposited in the office of the Superior Court for the District of Montreal, as belonging to either of said two substitutions, or which may hereafter be so deposited in connection with sales of property made prior to the coming into force of this act, provided, however, that all such monies shall be reinvested in the name of the respective substitutions in the manner hereinbefore provided; but such reinvestment need not necessarily be made at the same time as the receipt of the money from the purchasers in the one case, or the withdrawal from the Court in the other.

**Certain acts
ratified, &c.**

5. All or any acts done or performed in virtue of the foregoing sections shall be legal and valid to all intents and purposes as if all necessary authorizations in due course of law had been procured for each and every transaction.

**Coming into
force.**

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

C H A P . 118

An Act to interpret certain clauses of the will of the late Walter Drake, and to ratify two deeds of sale.

[Assented to 21st December, 1912.]

Preamble.

WHEREAS Frederick William Evans, insurance broker of the city of Montreal, in his quality of testamentary executor of the late Walter Drake, has by his petition represented:

That the late Walter Drake in his lifetime gentleman of the city of Montreal, Province of Quebec, Canada, died at Montreal on or about the 8th day of February 1900 after having made his last will and testament on the 20th day of December, 1897, before Napoléon Théoret and H. P. Pepin, notaries, his first codicil on the 28th January, 1898, his second codicil on the 13th February, 1899, before the same notaries, his first holograph codicil on the 3rd day of August, 1898, and his second holograph codicil on the 2nd February 1900, both duly probated;

That by said will and codicils, he gave, after having made particular legacies, the rest and residue of his property real and personal comprising his share in the undivided portion of the estate of the late Robert Wood kept undivided, to his niece Dame Sarah Harriet Porter, to his nephews Robert Langley Porter and William Ernest Porter, to be divided between them share and share alike, and to be held, used and