

No. 271 of the cadastre of the parish of St. Martin now within the territory of the town of Laval des Rapides.;

Whereas the petitioners pray for the passing of an act to authorize them to sell the said immoveable;

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:

Certain sale authorized, &c.

1. The petitioners, children of the late Walter James Nelson, and the curator to the substitution which may exist under the terms of the will of the late Wolfred Nelson, upon previously obtaining the consent of the family council, duly homologated, are authorized to sell the said immoveable by private sale and to receive the purchase price, and to give a valid discharge to the purchaser, provided, however, that the price be invested or deposited in accordance with the provisions of article 953*a* of the Civil Code, and the purchaser shall be discharged from following the purchase price, once for all, so soon as it has been invested in accordance with the provisions of paragraphs 3 and 4 of the said article 953*a*, or deposited in the hands of the prothonotary in accordance with paragraph 5 of the said article.

Proviso.

2. The petitioners shall be relieved from compliance with the above formalities and obligations so soon as a judgment shall have been rendered declaring them called to the substitution.

Coming into force.

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

CHAP. 121

An Act respecting the estate of Pierre Edmond Paquette.

[Assented to 21st December, 1912]

Preamble.

WHEREAS Edmond Joseph Paquette, commercial traveller, of Rigaud, county of Vaudreuil; Roméo Georges Paquette, merchant of the city of Montreal; Dame Annonciade Paquette, wife separated as to property of John Brannen, physician, both of Long Lake, State of New York, and the said John Brannen to authorize his wife for the purposes of these presents; Dame

Albina Paquette, wife separated as to property of James Tellier, merchant, both of the city of Montreal, and the latter to authorize his wife for the purposes of these presents; Dame Florianne Paquette, wife separated as to property of Hector Racine, merchant, both of the city and district of Montreal, and the latter to authorize his wife for the purposes of these presents; and Auguste Paquette, commission agent, of the city of Montreal, all six, being children issue of the marriage of the late Pierre Edmond Paquette, in his lifetime, merchant, of the city of Montreal, with Albina Carrière, and acting in their capacity of institutes in the substitution created by the will of the said late Pierre Edmond Paquette, made at Montreal, on the 2nd. February, 1903, before Mr. J. Melançon, notary, and registered at Montreal East on the 12th November, 1907, under the No. 70,349; the said Dame Albina Carrière, of the city of Montreal, widow of the said Pierre Edmond Paquette, in her capacity of usufructuary legatee or institute under the terms of the said will; Mr. J. Gustave Paquette, merchant, of the city of Montreal, in his capacity of curator to the said substitution, duly appointed on the advice of a family council, homologated on the 3rd April, 1912 by the prothonotary of the Superior Court for the district of Montreal; and the said Edmond Joseph Paquette, Roméo Georges Paquette, John Brannen, James Tellier and Dame Albina Carrière, also in their capacity of joint testamentary executors and administrators of the estate of the said Pierre Edmond Paquette, appointed under the terms of the aforesaid will and to all intents and purposes, have, by their petition represented:

That the said Pierre Edmond Paquette, by his will aforesaid after bequeathing certain special legacies, ordered that all the revenue from his property should be paid to his wife in the proportion of one quarter, and to his children, in the proportion of one eighth each, and that, after the death of his wife, all his revenues should be equally divided between his children; that he bequeathed the ownership of his property to the children of his children, born in lawful marriage, and by heads, wishing that the partition of his property should be made between his grandchildren only on the extinction of the usufruct in favor of his wife and his children, the will thereby creating a substitution whereof his wife and his children are the institutes, and his grandchildren, born and to be born in lawful marriage, and who may be alive at the opening of the substitution, are and shall be the substitutes, by heads.

For the execution of his will and the administration of his property he appointed as testamentary executors, his wife, Dame Albina Carrière; his two sons, Edmond Joseph alias Eddy, and Roméo Paquette; and his son-in-laws, John Brannen and James Tellier, to whom he gave power to perform their functions so long as the execution of his will might require.

That, among the property left by the said Pierre Edmond Paquette is an immoveable situate at the corner of Ste. Catherine street east, and St. Lawrence boulevard, bounded on one side by the said boulevard and on the other side by St. Dominique street, known and designated under the Nos. 537 and 538 of the official plan and book of reference of St. Louis ward, of Montreal, which immoveable was sold under judicial authorization, and put up at auction twice in the city of Montreal, but did not bring in the upset price fixed by the interested parties; that the buildings erected on the said immoveable are old and are not in proportion to the great value of the land; that it is necessary either to sell the said immoveable, in order that it may give revenues in proportion to its value or to rebuild, which the said succession cannot at present do owing to lack of available funds;

That neither the testamentary executors nor the legatees have the right to sell the said immoveable by private sale, and that they have not the right to demolish or rebuild it; that they have not the right to borrow or hypothecate; that they are not obliged to reinvest; that they have no right to grant long term leases, either by ordinary or by emphyteutic lease, and that the lack of such powers considerably hampers the administration of the estate;

That the said testamentary executors are five in number, and it would be expedient that their decisions be arrived at by a majority of votes;

That it would be equitable that the children of the deceased substitutes be continued in the rights of enjoyment of their father and mother until the final opening of the substitution;

That attempts to sell the said immoveable by auction made through Mr. Elzéar Roy, notary, have not been successful inasmuch as the upset price fixed by the legatees was not reached at the auction, but that considerable costs have resulted in consequence, for judicial proceedings and other contingent expenses;

That all the interested parties have agreed that the amount of the aforesaid costs of judicial proceedings and contingent expenses be taken out of the sum of ten thousand dollars mentioned in the deed of gift of Dame Albina Carrière to her children dated at Montreal on the 8th January, 1909, before Mr. H. P. Pepin, notary.

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:

Payment of certain costs, &c. 1. The costs of the licitation effected with the authorization of the court, through Mr. Elzéar Roy, notary, and the other

incidental expenses for advocates, notaries, advertising, &c., including the costs incurred by the passing of this act, may be paid out of the sum of ten thousand dollars deposited with *La Société d'Administration Générale*, and mentioned in the deed of gift executed at Montreal, on the 8th January 1909, between Dame Albina Carrière and Edmond Joseph Paquette et al.

2. The immoveable of the estate of Pierre Edmond Paquette, situate at Montreal, at the corner of St. Catherine street east and St. Lawrence boulevard to the west and St. Dominique street to the east, and known and designated as Nos. 537 and 538 of the official plan and book of reference of St. Louis ward of Montreal, may be sold by private sale by the testamentary executors of the said estate, with the concurrence of the curator to the substitution and of the legatees who are substitutes in the substitution, provided that the price of sale shall not be less than the sum of five hundred and twenty-five thousand three hundred and sixty dollars, the upset price fixed by the court. The said testamentary executors may, with the same concurrence, re-invest the price of sale themselves, and without the participation of the purchasers, either by buying or erecting buildings, or otherwise, in accordance with the provisions of article 953a of the Civil Code and may afterwards, sell and hypothecate with the same concurrence, all the immoveables acquired by such re-investment. Sale of certain property by private sale.

3. The testamentary executors of the said estate, with the concurrence of the curator and of the substitutes, shall have also the right to demolish the said buildings, and rebuild them; to borrow and hypothecate for such and other purposes, besides the right of leasing the immoveables of the said estate, on long term leases by ordinary leases or emphyteutic lease, provided the duration of the said leases shall not exceed forty years from the date of the sanction of this act, and such leases shall bind the substitution. Demolition of certain buildings, &c.

4. In the event of the death of one or more of the usufructuary institutes leaving children, such children shall be continued in the enjoyment of their father and mother's rights until the final opening of the substitution which shall take place at the death of the last of the institutes. Rights of institutes' children.

5. All decisions of the testamentary executors as regards the powers granted to them under clauses 3 and 4 of this act, may be come to by a majority of votes, and the same shall apply to all the decisions of the institutes. Majority of executors to govern.

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