

## C H A P . 1 3 4

An Act respecting the estate of the late Louis Raymond  
Plessis Belair

[Assented to 14th March, 1912.]

**W**HEREAS Léon Gélinas, accountant, of the city of Mont-<sup>Preamble.</sup>real, in his capacity of testamentary executor and administrator of the estate of the late Louis Raymond Plessis Belair, and Louis P. Belair, butcher, also of the city of Montreal, in his capacity of curator to the substitution created by the will of the latter, have by their petition represented:

That Louis Raymond Plessis Belair, by his solemn will and codicil respectively dated the 26th July 1842 and 9th September, 1845, bequeathed the enjoyment and usufruct of all his moveable and immoveable property, with the exception of some particular legacies, to all his children issue of both his first and second marriages, they to enjoy the same during their lifetime only with accretion to the survivors of them in the said usufruct if the first who died should die childless and, in the contrary case, the latter were in their turn to enjoy the share of their deceased father or mother, the said property to afterwards belong in full ownership to his great grand-children;

That the said Léon Gélinas was appointed testamentary executor and administrator of the said estate, beyond the year and a day, on the 18th January, 1909, by a judgment rendered by Honorable Mr. Justice Fortin, one of the judges of the Superior Court for the district of Montreal, and that the said Louis P. Belair, 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 principal asset of the estate of the said Louis Raymond Plessis Belair consists of an immoveable situate on St. Catherine street, East, in the city of Montreal, bearing the No, 537 of the official plan and book of reference for St. James ward of the said city, with the buildings thereon erected and occupied as a theatre, store and dwelling;

That the land has acquired considerable value since the death of the said Louis Raymond Plessis Belair and in order to utilize and lease the immoveable to advantage, it has become absolutely necessary to make certain changes, additions and considerable improvements;

That the said Léon Gélinas, after consulting the various parties interested, both the institutes and substitutes in the said substitution, had changes, additions and improvements

made to the said immoveable during the autumn of 1911 to an amount exceeding twenty-five thousand dollars;

That before such work was done, the value of the said immoveable, according to municipal valuation, was one hundred thousand dollars and since the work was done, the value of the immoveable is at least one hundred and fifty thousand;

That the said estate, however, has no money available for paying the cost of such changes and improvements;

That it is in the interest of both the institutes and substitutes that, in order to pay the cost of such changes and improvements, a loan of twenty-five thousand dollars be effected on the security of a hypothec on the said immoveable.

Whereas it is expedient to grant the prayer to such effect contained in 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 loan authorized.

**1.** The said testamentary executor and administrator or his successor in office, legally appointed, is authorized to borrow an amount of twenty-five thousand dollars and to pay the yearly interest thereon at a rate not exceeding six per cent payable half yearly, and to renew such loan at any time until the opening of the substitution, if he deems expedient, with hypothecary security in favour of the lender or lenders on the said immoveable No. 537 of the official plan and book of reference of St. James ward of the city of Montreal.

Loan how to be applied.

**2.** Such loan shall be effected by the testamentary executor and administrator of the said estate and the curator to the substitution and shall bind the institutes and substitutes in the said substitution, but, as between substitutes and institutes, the principal shall be paid by the substitutes and the interest by the institutes.

Application of borrowed moneys.

**3.** The testamentary executor shall employ all the moneys so borrowed in paying for the changes and improvements made in the said immoveable but the lender or lenders shall not be bound to see to such employment.

Costs of this act.

**4.** The testamentary executor shall pay all costs, disbursements and advocates' fees incurred in obtaining the passing of this act out of the funds of the said estate.

Coming into force.

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