

sell certain
lots by pri-
vate sale, &c.

Maurice Gougeon and the curator to the person of Zoé Gougeon are hereby authorized without formality, the authorization of the family council or order of the court or of a judge, to sell from time to time, and by degrees, one or more of the lots allotted to them in their respective shares and to give a good and valid acquittance to the purchaser, provided always that the curator to the said substitution be a party and consent to such sale, and that the amounts realized be paid and applied in accordance with the provisions of article 953a of the Civil Code.

Certain other
partition de-
clared final,
&c.

2. The partition between the institutes, of lot No. 3 by deed before Mr. E. R. Décary, on the eleventh of February, 1909, which lot was allotted to Dame Zoé Gougeon, by deed of partition dated the fifth of February, 1909, before Mr. E. R. Décary, is declared to have always been final and definitive and consequently the said institutes mentioned in the said deed of partition dated the eleventh of February, 1909, are declared to be and to have been the sole owners of the portion of lot No. 3, allotted to them by deed of partition dated the eleventh of February, 1909, and the said partition is hereby ratified and confirmed for all lawful purposes.

Expenses of
act how paid,
&c.

3. The expenses incurred in obtaining the passing of this act shall be paid by the said estate, and the institutes shall have the right to at once take the necessary funds to pay such expenses from the said estate.

Coming into
force.

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

CHAP. 157

An Act respecting the succession of the late Isaïe Hurtubise,
junior

[Assented to 7th May, 1909]

Preamble.

WHEREAS Antoine Hurtubise, both personally and in his capacity of curator to the substitution created by the will of Isaïe Hurtubise, Joseph Hurtubise, Flavien Hurtubise, Hector Hurtubise and Léopold Hurtubise, the usufructuary legatees of the late Isaïe Hurtubise, junior, have represented by their petition :

That by his solemn will before Messrs. J. A. O. Labadie and colleague, notaries, on the seventeenth of June, 1891, the late Isaïe Hurtubise, junior, appointed the petitioners, his sons, issue

of his marriage with the late Dame Marie Claire Laurent dite Lortie, the usufructuary legatees of all the moveable and immoveable property he might leave at his death, subject to a substitution in favor of their children born and to be born in lawful marriage whom he appointed his legatees as to ownership ;

That the said late Isaïe Hurtubise, junior, omitted to provide by the said will for the replacing of the executors he had appointed in the event of their death, refusal or incapacity to fill the said office ;

That, at the said testator's death, there remained but one testamentary executor, to wit : his wife, the said Dame Marie Claire Laurent dite Lortie, who since died in 1902 ;

That, although the will does not provide for the replacing of the testamentary executor of the said Isaïe Hurtubise, junior, Joseph Hurtubise, one of the petitioners, was appointed testamentary executor, on the twenty-ninth of June, 1903, by judgment of the Superior Court sitting at Montreal, to replace the said Dame Marie Claire Laurent dite Lortie, and that under the said judgment of the 29th June, 1903, the said Antoine Hurtubise was likewise appointed testamentary executor of the late Isaïe Hurtubise, junior, jointly with the said Joseph Hurtubise ; that he accepted the said office and has acted as such testamentary executor in the said deeds of sale hereinafter recited ;

That the said Joseph Hurtubise and Antoine Hurtubise accepted the said office and intervened in the management of the property of the said estate, and sold and alienated moveable and immoveable property belonging to the said succession and invested moneys, in virtue of the powers conferred on the executors by the aforesaid will ;

That the acts of alienation performed by the said Joseph Hurtubise and Antoine Hurtubise in their capacity of joint-executor aforesaid are as follows :

Sale by Joseph Hurtubise *et al* to Mr. Robert Findlay, dated the twenty-sixth May, 1906, before Mr. R. A. Dunton, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to The S. Carsley Co., Ltd., dated the twentieth of December, 1906, before Mr. John Fair, notary, at Montreal, and duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to T. R. Ridgeway, dated the twenty-second of November, 1904, before R. A. Dunton, notary, at Montreal, and duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to Mr. J. Brown, dated the fifth of November, 1903, before Mr. R. A. Dunton, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier.

That such sales affect the lots belonging to the said succession ;

That doubts have arisen on the validity of the appointment of the said Joseph Hurlubise and Antoine Hurlubise as testamentary executor and of the acts of alienation performed by them in such quality ;

That it is urgent, in the interest of the petitioners, as well as of the substitutes and of the purchasers of the said immoveables, to ratify the appointment of the said Joseph Hurlubise and Antoine Hurlubise as testamentary executor of the will of the said late Isaïe Hurlubise, junior, in the place of the said Dame Marie Claire Laurent dite Lortie, and the deeds of sale and alienation above mentioned ;

That it is equally urgent to supply the omission committed by the testator Isaïe Hurlubise, junior, as to the replacing of his testamentary executor, in the event of his death, refusal to act, or incapacity to fill the said office ;

And whereas it is expedient to grant the prayer to that 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 :

Appointment
of certain
executor rati-
fied, &c.

1. The appointment of Joseph Hurlubise and Antoine Hurlubise as testamentary executors of the late Isaïe Hurlubise, junior, by the judgment of the court, rendered on the twenty-ninth of June, 1903, in the place of Dame Marie Claire Laurent dite Lortie is ratified and declared valid to all intents and purposes and the following deeds of sale and alienation, to wit :

Sale by Joseph Hurlubise *et al* to Mr. Robert Findlay, dated the twenty-sixth of May, 1906, before Mr. R. A. Dunton, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to The S. Carsley Co., Ltd., dated the twentieth of December, 1906, before Mr. John Fair, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to T. R. Ridgeway, dated the twenty-second of November, 1904, before R. A. Dunton, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier ;

Sale by the same to Mr. J. Brown, dated the fifth of November, 1903, before R. A. Dunton, notary, at Montreal, duly registered at the registry office for Hochelaga and Jacques-Cartier, are confirmed and declared valid.

Replacing of
executors.

2. The replacing of the said Joseph Hurlubise or of the said Antoine Hurlubise or their successors in office as testamentary executors of the said late Isaïe Hurlubise, junior, in the event

of death, refusal to act, or incapacity to fill the said office, shall be effected under the authority of justice by following the formalities prescribed in such cases, and the testamentary executor so appointed shall, for the purposes of his administration, have all the powers conferred by the will of the late Isaïe Hurtubise, junior, upon the testamentary executors he may have appointed, but he shall be bound to furnish good and sufficient security for the faithful performance of his administration.

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

CHAP. 158

An Act to validate a certain deed of sale by Lyman, Sons and
Company to Lyman (Limited)

[Assented to, 27th April 1909]

WHEREAS Henry Herbert Lyman and Arthur Lyman, Preamble.
both merchants of the city of Montreal ; Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, acting in their quality of surviving executors and trustees and universal residuary legatees of the late Henry Lyman, their father, in his lifetime, merchant, of the city of Montreal ; The Royal Trust Company, in its quality of trustee and executor under the last will and testament of the late Frederick Stiles Lyman, in his lifetime advocate and King's Counsel, of the city of Montreal ; the said Henry Herbert Lyman and Albert Clarence Lyman, in their quality of executors under the said last will and testament of the said late Frederick Stiles Lyman ; Walter Ernest Lyman, in his quality of curator to the substitution created under the will of the said late Frederick Stiles Lyman ; Miss Evelyn Dorothy Mabel Lyman, spinster, of full age of majority, in her quality of institute in the substitution under the will of the said late Frederick Stiles Lyman ; the said Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, in their quality of surviving executors and universal residuary legatees of and under the last will and testament of their late mother, Dame Mary Corse, in her lifetime widow of the late Henry Lyman ; the said Henry Herbert Lyman, Albert Clarence Lyman and Walter Ernest Lyman, in their quality of surviving heirs at law and legal representatives of their late brother Roswell Corse Lyman, in his lifetime, of the city of Montreal, merchant, have, by their petition, represented :

That a notarial deed was passed at the city of Montreal on