

C H A P . 168

An Act respecting the substitution of Charles Leduc

[Assented to 14th April, 1908]

WHEREAS François-Xavier Leduc, farmer, of the town of Notre-Dame-de-Grâces, has by petition represented : Preamble.

That by a will made before C. A. Brault, notary, on the 14th of March, 1854, and the codicils thereto, before the same notary, on the 14th April, 1855 and 29th December, 1872, respectively, the late Charles Leduc, in his lifetime, farmer of Côteau St. Pierre, in the parish of Notre-Dame-de-Grâces, bequeathed to the petitioner, as institute, and to his children as substitutes, after their father's death, a lot of land now known as No. one hundred and fifty one of the official cadastral plan and book of reference of the parish of Montreal, which the institute may sell during his lifetime, but the price whereof must remain as a hypothec on the said immoveable until the opening of the substitution ;

That the said immoveable, in consequence of the continuous enlargement and growth of the city of Montreal and of its vicinity and above all of the extensive sale during the past two years of lands in the town of Notre-Dame-de-Grâces, is no longer fit for cultivation, while its value and the taxes imposed on it are becoming too heavy in proportion to the returns that may be obtained thereon as a farm ;

That consequently, on the 11th October last, it was sold by the petitioner to one George Marcil, real estate broker, for the sum of ninety thousand dollars, for the pupose of being subdivided into building lots, and offered for sale as such ;

That it has been subdivided and the lots are now ready to be placed on the market for sale ;

That it is impossible to do so unless an act be passed permitting the petitioner with the assistance of the curator to the substitution of Charles Leduc to receive the moneys from the sale of the substituted property and to give a valid acquittance to the purchasers without the latter being bound to see to their re-investment; provided the said petitioner with the assistance above mentioned re-invests such moneys as required by article 953*a* of the Civil Code ;

That one of the conditions of the sale aforesaid is that it must be ratified by the Legislature of the Province of Québec ;

That another condition of the said sale stipulates that when the plan of the subdivision of the immoveable sold shall be prepared, the vendor shall limit his hypothec on the subdivisinal lots only, at the rate of five cents per superficial foot, and shall, on payment of the first nineteen thousand dol-

lars to be paid on account of the price of sale, relieve from the payment all the streets and lanes indicated on the subdivisional plan ;

That such sale is to the advantage of the substitution ;

That the curator to the said substitution and the apparent substitutes therein, who are all of the full age of majority are parties to the said sale and have ratified the terms and conditions thereof and have bound themselves with the petitioner to have the same ratified by the Legislature of the Province of Quebec, at the expense of the said substitution and that they consent to the present petition and concur therein ;

Whereas the said petitioner has proved the allegations of his petition which have been ratified by a family council whose advice has been homologated by the prothonotary of the Superior Court, at Montreal, and it is expedient to grant his prayer ;

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

Institute under will of Charles Leduc, may receive purchase price of property of substitution, &c.

1. François Xavier Leduc institute under the will and codicils of the late Charles Leduc may with the assistance of the curator to the substitution notwithstanding the clauses of the said will and codicils to the contrary, receive the money coming from the sale of the property substituted under the terms of the said will and codicils and give a good and valid receipt therefor to the purchasers ; but nevertheless on condition that he shall on receipt thereof deposit the same at the office of the prothonotary of the Superior Court, at Montreal in accordance with paragraph 5 of article 953*a* of the Civil Code of the Province of Quebec or to invest same in accordance with the same article, and any purchaser shall be discharged from the obligation of following the purchase price, from the moment it shall have been invested by the institute according to the provision of paragraphs 3 and 4 of the said article 953*a* or that it shall have been deposited in the hands of the prothonotary according to paragraph 5 of the same article.

Certain deed of sale confirmed.

2. The deed of sale of the property forming part of lot number one hundred and fifty one of the official plan and book of reference of the parish of Montreal made on certain conditions therein contained by François Xavier Leduc to Georges Marcil, executed before M^{re} Ernest R. Decary, notary, on the eleventh day of October, one thousand nine hundred and seven is ratified, confirmed and declared valid and binding regarding the purchaser as well as the institutes and substitutes of the Charles Leduc substitution.

3. The expenses incurred in obtaining the passing of this act shall be paid by the said substitution, and the institute shall have the right to at once take from the moneys belonging to the said substitution, the amount necessary to pay such expenses.

Cost of act to be borne by substitution.

4. The institute in the said substitution shall have the right to divide by will or otherwise the moneys derived from the sale of the said substituted property in the same manner as he might have divided the said immoveables themselves between the said substitutes under the terms of the will and of the codicils which created the said substitution.

Apportionment of price of sale by institute.

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

Coming into force.

CHAP. 169

An Act to authorize the testamentary executors and the curator to the substitution of the succession of Dame Elisabeth Hurtubise to borrow on hypothec.

[Assented to 25th April, 1908]

WHEREAS Gustave Tassé, physician ; Dame Emma Tassé, Preamble.

wife duly separated as to property by marriage contract of the Honourable Guillaume Alphonse Nantel, advocate, and the latter for the purpose of authorizing his said wife, all of Montreal, in their capacity of testamentary executors of the late Dame Elisabeth Hurtubise, widow of the late Gilbert Tassé, and Emmanuel Persillier Lachapelle, physician, of the same place, in his capacity of curator to the substitution created by the will of the latter, have, by their petition, represented :

That Dame Elisabeth Hurtubise, by her solemn will bequeathed the enjoyment and usufruct of all her moveable and immoveable property, with the exception of some particular legacies, to her four children: Joseph, Gustave, Dame Emma Tassé and Rosalba Tassé, widow of Arthur Beaulieu, to be equally enjoyed by them until their respective deaths, with accretion to the survivors thereof in the said usufruct, if the first who should die, should so die without children, and in the contrary case, such children shall enjoy the share of their deceased father or mother until the partition of the property, which partition shall be effected, as to full ownership at the death of the last survivor of her children, among all her grandchildren by heads amongst themselves but by representation in the event of any of the grandchildren dying leaving issue ;