

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]

**W**HEREAS 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 ;

That the said Gustave Tassé and his sister, Mrs. Nantel, were appointed testamentary executors beyond the year and a day with a remuneration of five per cent in favor of the said Gustave Tassé for the administration of the immoveables so long as they are not sold, but they have the right to sell the same without judicial formality and without the concurrence of the heirs and by reinvesting the proceeds of such sales according to the rules governing trusts, without the purchaser being obliged to see to such reinvestment ;

That the chief assets of the estate of the said Dame Elisabeth Hurtubise consist of an immoveable situated on Phillips Square, in the city of Montreal, bearing the number eleven hundred and seventy of the official plan and book of reference of St. Antoine ward of the city, with buildings thereon erected and occupied as shops and dwellings ;

That the land has acquired considerable value since the death of the deceased and it will be absolutely necessary in order to utilize and rent the said immoveables to advantage, to make considerable changes, additions and improvements therein, consisting of wings in rear, the addition of at least one story and the transformation of the dwellings into shops, and that such work will cost at least sixteen thousand dollars, but the estate is already indebted to the amount of fourteen thousand dollars for a mortgage contracted on the said immoveable by the testatrix before death, and the estate has no money available for making such changes and improvements ;

That it is in the interest both of the institutes and of the substitutes to effect a new loan of sixteen thousand dollars or a single one of thirty thousand dollars by consolidating it with the first one and that such loan be guaranteed by means of a hypothec on the said immoveable or upon those that may replace it in the event of its being sold and the re-investment be effected by the purchase of other immoveables ;

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

Certain ex-  
ecutors, &c.,  
authorized  
to borrow for  
certain pur-  
poses.

1. The said testamentary executors or their successors in office legally appointed are authorized to borrow the sum of sixteen thousand dollars, over and above that of fourteen thousand dollars already due, or to effect a single loan of thirty thousand dollars by paying off the fourteen thousand dollars already due upon such loan, and pay an annual interest of not more than six per cent and to renew such loan at any time until the opening of the substitution if they deem proper, with hypothecary security in favor of the lender or lenders on the said immoveable, number eleven hundred and seventy of the official plan and book of reference of St. Antoine ward in the city of Montreal, or upon all other immoveables which may be pur-

chased to replace the same, in the event of its being sold by the said testamentary executors and even on all others that may become the property of the said estate and which may have been purchased out of the proceeds of the sale of the said immoveables.

2. Such loan shall be consented to by the testamentary executors and the curator to the said substitution, and shall bind the institutes and substitutes in the said substitution, but between the institutes and the substitutes the capital shall be payable by the substitutes and the interest by the institutes.

3. The testamentary executors shall be bound to use the borrowed money in effecting changes and improvements to the said property, but the lender or lenders shall not be bound to see to the employment of the money.

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

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

## CHAP. 170

An Act to authorize Francis Monette to sell certain substituted property.

[Assented to 25th April, 1908]

**W**HEREAS Reverend Joseph Placide Desrosiers, parish priest of the parish of St. Pierre-aux-Liens ; Francis Monette, physician ; Pierre Desforbes, contractor, both of the city and district of Montreal, and Pascal Lemieux, of the parish of Notre-Dame de Grâces, in the said district, have, by their petition, represented that by will passed before Mtre Schetagne, on the 21st January 1902, the late Jeremie Monette gave to François Monette (called in the will Pierre *alias* Pit) the enjoyment and usufruct of a lot of land containing twenty-five arpents, forming part of lot number one hundred and thirty of the official plan and book of reference of the municipality of the parish of Montreal, and that he substituted his children to be born in legitimate marriage;

That it is in the interest of the parish of St. Pierre-aux-Liens and of the said substitution that their said land should be sold;