

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

Trustees may increase allowances.

**1.** The trustees appointed under the last will of the late Andrew Frederick Gault, passed before W. de M. Marler, N. P., and colleague, on the 11th June, 1902, shall, out of the annual revenues of the estate, increase the annual allowances payable to the children of the testator, to the sum of fifteen thousand dollars each per annum, anything in the said will to the contrary notwithstanding.

Allowance to be treated as advance, &c.

**2.** The additional annual allowance provided for in the first section of this act, shall be treated as an advance to the said legatees.

The said advance so made shall be refunded to the estate with interest chargeable annually by the said legatees or their representatives, and the said trustees are hereby authorized to and shall retain out of the revenues of the estate or out of the shares of the legatees, as the case may be, such amount, after payment of the annual allowance of \$15,000.00 each, as may be necessary to repay such advances. The said repayment shall be guaranteed by the legatees jointly and severally out of their shares in the estate.

How to apply.

**3.** The said increases shall apply to the payments due on the 31st December, 1906.

Coming into force.

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

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## CHAP. 144

An Act respecting the estate of the late Dame Joseph Lacombe

[Assented to 14th March, 1907]

Preamble.

**W**HEREAS Dame Marie-Louise Lacombe, Marie-Victorine Lacombe, Marie-Anna Lacombe, of the age of majority and having the full enjoyment of their rights; Marie Rose Lacombe, wife of Camille Jérôme Grenier, and by the latter duly authorized, all daughters of the late Dame Joseph Lacombe, (*née* Marie-Louise Durand *dit* Desmarchais), and her universal legatees as regards ownership, and Simon Lacombe, son and particular legatee of the said late Dame Joseph Lacombe, all of the village of Côte des Neiges, in the district of Montreal, have, by their petition, represented :

That the aforesaid Dame Marie-Louise Durand *dit* Desmarchais made her solemn and authentic will at Montreal on the 22nd day of May, 1890, before Mtres Narcisse Perodeau and Chateauguay de Salaberry, notaries, and by her said will constituted her four daughters above mentioned her legatees as to all her moveable and immoveable properties not bequeathed by particular legacies, and her son Simon Lacombe, legatee, subject to substitution, of the south-east part of lot No. 130, of the official cadastre of the village of Côte des Neiges with the buildings thereon erected, accessories and dependencies ;

That it was stipulated in the said will that, in the event of any of the universal legatees of the testatrix becoming a nun, her share, less her dowry and the cost of her trousseau, should accrue or revert to her universal co-legatees and to the representatives amongst them who might have predeceased her ;

That it is also stipulated in the said will that the immoveable was bequeathed to Simon Lacombe, subject to the substitution in favor of his descendants, with the right of reversion in favor of the universal legatees above mentioned or their legal representatives, in the case of Simon Lacombe dying without leaving any children, or of any children surviving him dying themselves before having attained the age of majority ;

That the said will, nevertheless, gave to the said Simon Lacombe the right to sell the said part of the land, wholly or in part, in the same manner as the property of minors, upon a judicial authorization granted upon the advice of a family council, and with the consent of the curator to the substitution, and on the condition that the said Simon Lacombe should reinvest the price of sale in the purchase of other immoveables ;

That the said testatrix is dead and her four universal legatees are in possession of her property and immoveables to them bequeathed ;

That the said universal legatees are all of the full age of majority, and no one of them is a nun ;

That doubts have arisen respecting the rights and powers of the said universal legatees to alienate the immoveable property to them so bequeathed and to give good and valid titles thereto ;

That at present it is proposed to build a church for the Roman Catholic parishioners of Côte des Neiges, and that the site of the said church might comprise a portion of the part of land bequeathed to the said Simon Lacombe ;

That it is expedient to authorize, by an act, the said Simon Lacombe to sell and alienate such portion of the said immoveable property as might be required for the construc-

tion of the said church, on condition that the price of sale be invested in accordance with the provisions of article 981<sup>o</sup> of the Civil Code ;

Whereas the curator to the substitution and the family council consent to the passing of the present act ;

And whereas it is expedient to grant the prayer of the said petitioners, and further to authorize the said Simon Lacombe to borrow an amount not exceeding three thousand dollars for the purpose of building a dwelling house for himself, which shall be subject to the substitution, and it is in the interest of the estate of the said late Dame Joseph Lacombe that the present act be passed ;

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

The universal legatees of textatrix may sell the property bequeathed to them, &c.

**1.** The universal legatees of the late Dame Joseph Lacombe (*née* Marie-Louise Durand *dit* Desmarchais), to wit : Dames Marie-Louise Lacombe, Marie Victorine Lacombe, Marie-Anna Lacombe and Marie-Rose Lacombe, wife of Camille Jérôme Grenier, are authorized to sell and alienate, in whole or in part, the moveable and immoveable property bequeathed to them by the will of their mother, the late Dame Joseph Lacombe, and they shall, after the coming into force of this act, have full power and authority to give the purchaser or purchasers of the said property good and valid titles and acquittances for the payment of the price of sale.

Simon Lacombe may sell part of land affected by substitution to build church.

**2.** The said Simon Lacombe is authorized and is fully empowered to sell by mutual agreement any portion of the part of the lot which has been bequeathed to him subject to substitution, which may be required for the building of a church and its dependencies in Côte des Neiges for the Roman Catholic parishioners of the said Côte des Neiges, and to give good and valid titles and acquittances for the payment of the price of sale. The investment of the price of sale shall be effected in accordance with the provisions of article 981<sup>o</sup> of the Civil Code.

May hypothecate said land to build thereon a house for himself.

**3.** The said Simon Lacombe is further authorized to borrow for and in the name of the substitution and of the substitutes therein, and, for that purpose, to hypothecate the portion of the lands bequeathed to him subject to substitution, as if he were the owner thereof, an amount not exceeding three thousand dollars for the purpose of building a suitable house for himself and his family on the said portion of land.

The said loan and the construction of the said house shall be under the joint control of the said Simon Lacombe and of the curator to the substitution, and the house to be built with the proceeds of the loan shall be subject to substitution like the land itself. Who to have control of loan, &c.

The said power to borrow and to build a house with the moneys so borrowed, shall replace the power given the said Simon Lacombe by the fourth clause of the will, to acquire a lot or any piece of land whether built upon or not, and to borrow upon hypothec for and on behalf of the substitution and the substitutes, the moneys required for such acquisition ; and the said power granted by the will shall cease to exist as soon as the loan hereby authorized shall have been effected. Power to borrow &c., to replace certain powers given by will, &c.

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

#### CHAP. 145

An Act to authorize the testamentary executors of the estate of the late François-Xavier Beaudry to sell certain substituted property

[Assented to 25th February, 1907.]

**WHEREAS** James F. Strachan and William S. Strachan, bakers, of Montreal, have by their petition represented that, for the needs of their customers, it has become urgent that they should enlarge their establishment and that it is necessary that they should purchase from the estate of the late François-Xavier Beaudry the lot bearing the cadastral number three hundred and twenty eight (328) of St. Louis ward of the city of Montreal ;

Whereas the said lot of land, which is substituted property, actually yields less revenue than would the price of sale thereof if invested to advantage ; and whereas it is advisable to authorize the sale thereof by the testamentary executors of the said estate ;

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

1. The said testamentary executors are authorized to sell as aforesaid, the lot of land bearing the cadastral number three hundred and twenty-eight (328) of St. Louis ward of the city of Montreal Sale of certain lot authorized.