



63 VICTORIA

CHAP. 114

An Act respecting the substitution Eustache Prudhomme

[Assented to 23rd March, 1900]

WHEREAS the substitutes hereinafter mentioned, namely Preamble.
Philéas Prudhomme, Jean-Baptiste Prudhomme, Luc Prudhomme, Léon Prudhomme, Joseph Prudhomme, Charles Prudhomme, Emma Prudhomme, widow of Joseph A Denis, Elvina Prudhomme, wife of Régis Prudhomme, Elizabeth Prudhomme, wife of Alphonse Hurtubise and Marie Prudhomme have, together with Jérémie L. Descarry, curator to Léon Prudhomme, interdicted, and substitute under the same substitution, represented by their petition :

That by deed of donation passed before J. A. Labadie and colleague notaries, on the 28th November, 1853, Eustache Prudhomme and his wife, Dame Véronique Parent, did by gift *inter vivos* creating substitution grant unto their son a farm now known on the official plan and book of reference of the parish of Montreal as Nos. 63 and 179 ;

That by the said deed it was stipulated that, after the death of the said Léon Prudhomme, the said farm should return and belong to his legitimate children to the first degree only ;

That the said Léon Prudhomme is now aged over seventy-five years, that for the last thirty years he has been interdicted and confined in a lunatic asylum ; that from the evidence of competent medical men his disease is incurable and he will never recover his reason ;

That the above-mentioned substitutes are the children of the said Léon Prudhomme and are all of age ;

That the said farm worked as a farm has yielded a revenue insufficient to supply the wants of the institute ; that the said farm being in close proximity to the city of Montreal might be made to yield a revenue six times as great if sold for the purpose of being divided into building lots.

That it would be in the interest of the institute and of the substitutes if the latter were authorized to make a partition and sell the said farm, provided fifteen thousand dollars should remain on mortgage upon said farm in favor of the said institute and that the said substitution should be declared open ;

Whereas the said petitioners have prayed for the passing of an act for the said purposes, and it is expedient to grant their prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sale of certain lots of land authorized.

1. The substitutes under the substitution created by the deed of donation of the 28th November, 1853, are authorized to sell and finally dispose of their shares in the immoveable property known as Nos. 63 and 179 of the parish of Montreal.

Payment to be made out of purchase money to institute.

2. The substitutes shall out of the purchase price pay in full ownership to the institute in anticipation of the opening of the substitution, in lieu of his rights as institute, a sum of fifteen thousand dollars, which shall remain in the hands of the purchaser with mortgage upon the immoveable or the part of the immoveable sold.

When partition may be made.

3. The said substitutes may make or have made the partition of the said immoveables so soon as two-thirds of them or of their representatives or assigns shall consent thereto.

Conditions of sale, &c.

4. Such sale, alienation or partition shall only be made on condition that each of the shares of the substitutes shall be and remain mortgaged in favor of said Léon Prudhomme for an amount of fifteen hundred dollars and interest at the rate of five per cent being the share of each of the substitutes in the said sum of fifteen thousand dollars ;

Power of judge to limit amount of mortgage on each lot. Proviso.

5. In order to facilitate the sale of said immoveables as building lots, the mortgage mentioned in the preceding section may be limited on each lot by a judge of the Superior Court, upon the advice of a family council, to a lesser amount, but in such way that the amount of fifteen hundred dollars shall be well secured upon the share of each of the heirs.

6. When two-thirds of the said substitutes shall have decided to make the partition or alienation of the said immoveables, the substitution created under the said will shall be open for all purposes. When substitution shall be open.

7. The alienation or sale on the part of one of the substitutes of his rights in the said immoveables shall prevent his co-heirs from invoking the *retrait successoral*. Retrait successoral.

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

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