

## CAP. CII

An Act respecting the estate of *Jöel Leduc*.

[Assented to 10th March, 1899]

Preamble.

**W**HEREAS Hector Leduc of the town of Nicolet, member of the House of Commons of Canada, Joseph Lamothe of the city of Three Rivers, and Denis Leduc, civil engineer, heretofore of the city of Montreal, and at present of Denver, Colorado, one of the United States of America, in their capacity of testamentary executors of the estate of *Jöel Leduc*, in his lifetime of Montreal, burgess, have by petition represented :

That by postponing any longer the payment of the legacies and the partition of the property of the succession of the said *Jöel Leduc*, the testator's nearest relatives, and, among others, his nephews and his nieces, whom he intended to benefit by his fortune,—for the said *Jöel Leduc* left no children—would be unable to benefit by his liberality in their favour ;

That the said testamentary executors are also unable, owing to the want of certain powers, to carry out several of the testator's intentions, and that unless additional powers be given to the testamentary executors, the testators' intentions will be frustrated.

Whereas it is just and expedient to grant the prayer of the said testamentary executors ;

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

Moneys of estate may be applied to payment of debts, &c.

**1.** Notwithstanding the eighth clause of the said *Jöel Leduc's* will, and any other provision to the contrary, it shall be lawful for the testamentary executors appointed by the said will to employ for the payment of the debts of, and the charges upon the succession, any sums of money at their disposal, whether capital or revenue, and from whatever sources they may be derived.

Arrangements with persons receiving rents from estate may be entered into for certain purposes. Also with legatees.

**2.** The said testamentary executors are authorized to make with any person receiving rents from the estate and with any legatee any arrangement which they may deem advisable or advantageous for the purpose of extinguishing or paying any legacy and rent ; and any legatee and person receiving rents and other person benefited by the said will, may likewise enter into arrangements with the testamentary executors, notwithstanding any provision to the contrary in the said will.

3. The said testamentary executors may anticipate the payment of any debt, claim or legacy, either for the purpose of reinvestment or for making arrangements in connection with a legacy or with a claim against the estate. Executors may anticipate payment of debts, &c.

4. After paying of the debts of, and charges upon the estate, or after having secured the payment of those which may not have been paid, the testamentary executors may, notwithstanding any provision of the will, to the contrary, effect the partition of all the property belonging to the succession, or the partition of that part only of the property of the succession upon which there are no charges, and which are available, according as they may deem best. Partition of property may be effected after certain payments, &c.

5. In the event of a partition of a portion only of the property of the succession, every portion of the properties to which any heir shall have been so placed in possession shall be deemed an advance made to him by the testamentary executors under the terms of the will. Proviso in event of partial partition.

6. The testamentary executors shall not exercise the powers upon them conferred by this act before having secured, to the satisfaction of Madame Joël Leduc or in the case of disagreement, that of a judge of the superior court, the payment of the gifts and legacies made to her, and the execution of the rights held by her against the succession, such security not to be in any case less than \$150,000.00 represented by immoveables or moveables. Security to be given to satisfaction of Mme. Leduc.

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

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### C A P. C I I I

An Act respecting the estate of Jean Guillet *alias* Tourangeau.

[Assented to 10th March, 1899]

**W**HEREAS Marie Salomé Labbé, widow of Alphonse Preamble.  
Tourangeau, notary of Quebec, Archibald Fages of St. Johns, and others, have by their petition, represented;  
That by his authentic will, made on the thirty-first day of December, 1850, and his codicil made on the fifteenth day of January, 1851, Jean Guillet *alias* Tourangeau, instituted, as his universal legatees, his children, Pierre, Emilie, Jean, Adolphe and Octave Guillet *alias* Tourangeau, to whom he substituted the children of the latter, his grandchildren, and to these latter, their children, his great-grand-