

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.

C A P. C I I I

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

[Assented to 10th March, 1899]

WHEREAS Marie Salomé Labbé, widow of Alphonse Tourangeau, notary of Quebec, Archibald Fages of St. Johns, and others, have by their petition, represented;

Preamble.

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-

children, the final substitutes in the substitution, and stipulated therein that there should be accretion in the event of death without posterity ;

That Pierre Guillet *alias* Tourangeau died without posterity ; that Octave Guillet *alias* Tourangeau died leaving a child, Henriette Guillet *alias* Tourangeau ; that Emilie Guillet *alias* Tourangeau died, leaving two children, John Archibald Fages and Alfred Octave Fages ; that Alfred Guillet *alias* Tourangeau died, leaving five children, Adolphe, Anna, Marie Louise, Adele and Corinne Guillet *alias* Tourangeau ; that Jean Guillet *alias* Tourangeau died, leaving two children, Alphonse and Roch Guillet *alias* Tourangeau, the latter of whom died without posterity ; that Alphonse Guillet *alias* Tourangeau died, leaving six children, Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau ; that the latter are the great-grandchildren of the testator, that the substitution is open, so far as they are concerned, and they are entitled to the final partition of the immoveables ;

That, by judgment of the Superior Court of the twenty-seventh of February, 1898, it was ordered that the immoveables forming part of the said universal legacy created by the will of the said Jean Guillet *alias* Tourangeau should be provisionally divided into four shares, one of which was given to Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau ; one to Adolphe, Anna, Marie Louise, Adele and Corinne Guillet *alias* Tourangeau ; one to Henriette Guillet *alias* Tourangeau ; and one to John Archibald Fages and Alfred Octave Fages ;

That all the formalities required by law have been fulfilled and that the said partition has been executed, as established by an authentic deed passed at Quebec on the seventeenth day of February, 1899, before the honorable V. W. Larue, notary ;

That the immoveables bequeathed, as aforesaid, were, at the time when the said Jean Guillet *alias* Tourangeau made his will and codicil, farming lands situated near the city of Quebec ; that, foreseeing that these lands might later be divided into building lots, he stipulated by his codicil that the institutes might sell such lots for constituted rents ;

That the said immoveables have been divided into building lots, and have, by the same provisional deed of partition, been divided among the said legatees ;

That the grantees refuse to deal with persons who are only provisionally in possession and express a fear that as the indivision might be renewed, they would have to pay the ground rent to a large number of persons and in unequal amounts ;

That, owing to the above, a serious obstacle exists to the execution of the testator's will, as well as considerable loss to the parties, in view of its being almost impossible to

deal with such immoveables in a manner which would nevertheless be very advantageous and the only real beneficial ones for the parties ;

That the minors named Alphonse, Alice, Albèrtine, Roch, Bella and Edith Guillet *alias* Tourangeau are entitled, in any case, to a final partition of the said immoveables ;

That the said minors, Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau are also universal legatees of the late Henriette Guillet *alias* Tourangeau, by her authentic will made, at Quebec, on the tenth day of February, 1870 ;

Whereas as such they are owners of immoveables also situated in the banlieu of Quebec, and that such immoveables have been divided into building lots ;

Whereas Marie Salomé Labbé, their tutrix, has granted several of these lots for constituted rents ; but the obligation to comply with the provisions of article 297 of the Civil Code causes her, in the case of each concession, to incur considerable expense and delay, which frequently prevents her from concluding advantageous contracts ;

Whereas exemption from the provisions of said article would not cause the minors to run any risk, inasmuch as the said tutrix does not receive the capital of such rents, which remains hypothecated on the immoveable ;

Whereas it would be in the interest of the said minors, after having obtained, from the family council, the general authorization to sell under constituted rents, building lots of which they are legatees in virtue of the will of Henriette Guillet *alias* Tourangeau, and also those of which they are legatees and substitutes under the will and codicil of Jean Guillet *alias* Tourangeau, and which constitute their share according to the partition made by the said deed of provisional partition, that the said tutrix be authorized to consent to such deeds of sale under constituted ground rents, without fulfilling the formalities required by article 297 of the Civil Code ;

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

I. The partition, ordered by judgment of the twenty-seventh day of February, 1898, of the immoveables forming part of the succession of Jean Guillet *alias* Tourangeau, described in the aforesaid deed of partition, passed before the Honorable V. W. Larue, on the seventeenth day of February, 1899, and attributed : one-fourth to the minors Alphonse, Alice, Albertine, Roch, Bella, and Edith Guillet *alias* Tourangeau, another fourth to Henriette Guillet *alias* Tourangeau, another fourth to Adolphe, Anna, Marie-Louise, Adèle and Corinne Guillet *alias* Tourangeau, and another fourth to John Archibald Fages and Alfred Octave Fages, is final, and the aforesaid authentic deed is declared to be the final

Certain partition declared to be final.

deed of partition as regards the immoveables described therein.

Certain rights not affected.

2. The above provisions shall not affect the rights and obligations of the institutes towards the substitutes in the said substitution created by the will of Jean Guillet *alias* Tourangeau, as regards property forming part of their respective lots, and also without prejudice to the rights of accretion in the case of decease without posterity stipulated in the said will.

Certain property may be sold, without observance of certain formalities.

3. The said Marie Salomé Labbé or any tutor who may succeed her, after having obtained from the family council of the said minors Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau, authority to sell for constituted ground rents in building lots, the immoveables whereof the said minors are legatees under the aforesaid will of Henriette Guillet *alias* Tourangeau, and those whereof they are legatees and institutes under the will and codicil of Jean Guillet *alias* Tourangeau, and which constitute their share in accordance with the said deed of partition, may sign the deeds of sale under constituted ground rents of the said immoveables, without fulfilling the formalities required by article 297 of the Civil Code, and those she has signed without complying with said formalities are hereby ratified and declared valid.

The costs of the action in partition and of the partition, those occasioned thereby and those incurred for obtaining this act shall be paid out of the capital sum deposited in *La Caisse d'Economie Notre-Dame de Québec*, belonging to the legatees of Jean Guillet *alias* Tourangeau in conformity with the apportionment determined in section 1 of this act.

Coming into force.

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

CAP. CIV

An Act to declare final, but subject to certain substitutions and to articles 101 and 102 of the Civil Code, the possession by Antoine Philippe Eugène Panet of the immoveables bequeathed to Joseph Félix Lussier Panet by the late Félix Lussier and Angélique Deschamps.

[Assented to 10th March, 1899]

Preamble.

WHEREAS Antoine Philippe Eugène Panet, advocate, of the city of Windsor, in the county of Essex, in the Province of Ontario, has, by petition, represented:

That his brother Joseph Félix Lussier Panet, formerly of the city of Montreal, in the Province of Quebec, clerk, now of parts unknown, has been absent from his domicile since the beginning of the year 1881;