

dollars, bequeathed conditionally to Arthur de Lorimier, who is now absent, and may distribute the same, like all the other property composing the aforesaid universal legacy, to the testator's grandchildren, according to their rights under the same will.

Effect of putting in possession.

Such putting in possession shall have the same effect and shall be subject to the same recourse, as if made by a court of justice under the authority of the Civil Code.

Certain statement and partition declared final.

4. The statement or partition made by Joseph Robillard on the 23rd September, 1896, and deposited the same day with L. O. Héту, Notary, at Montreal, is declared final.

Payment to minor children, &c., authorized.

5. The testamentary executor of the said succession may pay, to the said minor children or to their representatives, the sums which may be due them, according to the statement and partition above mentioned.

Discharge of testamentary executor.

6. The testamentary executor, after the payments made in virtue of the provisions of this act, shall be discharged, both personally and as testamentary executor and administrator, to all intents and purposes, on the final acquittance given by the grandchildren who are capable of giving it, or by the tutors of those who are still minors.

Authority given to grant discharge.

7. The grandchildren who are of age and the tutors of the minor children are authorized to receive the above amounts and to give an acquittance and discharge therefor to the testamentary executor and administrator.

Coming into force.

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

## CAP. XCII

An Act to authorize Joseph Alexandre Adolphe Birtz, *dit* Desmarteau *alias* Alexandre Desmarteau, in his capacity of tutor to Louis Joseph Arthur Birtz *dit* Desmarteau, his minor brother, to sell, *en bloc* or separately, the property of the late Charles Birtz *dit* Desmarteau, his father

[Assented to 15th January, 1898]

Preamble.

WHEREAS Charles Birtz *dit* Desmarteau, accountant, Marie Evelina Birtz *dit* Desmarteau, Marie Louise Philomène Georgianna Birtz *dit* Desmarteau, the two latter spinsters, and Joseph Alexandre Adolphe Birtz *dit* Desmarteau, *alias* Alexandre Desmarteau, accountant, all of the city of Montreal, the latter acting in his own individual name and

as tutor appointed in law at Montreal, on the sixth of July, 1897, to his minor brother Louis Joseph Arthur Birtz *dit* Desmarteau, aged about eighteen years, all five being the only children issue of the marriage of the late Charles Birtz *dit* Desmarteau, in his lifetime, accountant, of the city of Montreal, with the late Dame Marie Evelina Petit *dit* Laumière, and as such the sole lawful heirs of the said late Charles Birtz *dit* Desmarteau, their father, who died intestate at Montreal, on the 20th June, 1897, have, by their petition, represented :

That amongst other property belonging to the estate of the said Charles Birtz *dit* Desmarteau, senior, are certain moveables and immoveables, bank shares, stocks of railway companies, and other shares in various companies and particularly :

A part of lot No. 36 of the parish of Boucherville, in the county of Chambly, and the subdivisions thereof ;

Lot No. 55 of the official plan and book of reference of the parish of Boucherville ;

Lots No. 307 and 308 and part of lot No. 316, and lot No. 7 of the official subdivision of Lot No. 341, of the official plan and book of reference of the parish of St. Antoine de Longueuil ;

The undivided half of lots Nos. 852 and 856 of the official plan and book of reference of St. Mary's ward in the city of Montreal ;

Lot No. 110 of the official plan and book of reference of the parish of St. Laurent and the subdivisions thereof ;

Lots Nos. 374 and 375 of the official plan and book of reference of the parish of Sault au Récollets ;

The undivided third of lot No. 235 and the subdivisions thereof of the official plan and book of reference of the parish of La Pointe aux Trembles ;

The undivided three-sixteenths of lot No. 37 and the subdivisions thereof of the official plan and book of reference of the parish of St. Geneviève ;

That the property belonging to the said estate cannot, in the ordinary course of law, be sold with advantage to the interested parties without heavy expense and great loss for the following among other reasons : because the immoveables of the said estate consist in a great measure of an undivided portion of several hundreds of lots acquired by the deceased jointly with other persons, and that such lots have been subdivided for speculative purposes and are now on the market ;

Whereas the petitioners have accepted the said estate to wit :

1. The said Charles Birtz *dit* Desmarteau, junior, Joseph Alexandre Adolphe Birtz *dit* Desmarteau, Marie Evelina Birtz *dit* Desmarteau and Marie Louise Philomène Geor-

gianna Birtz *dit* Desmarteau, as established by the notice of death, and act of heredity received before Amable Archambault, N. P., on the 12th July last under the number 13,601 of his minutes ;

2. The said Joseph Alexandre Adolphe Birtz *dit* Desmarteau, in his capacity of tutor to the said Louis Joseph Arthur Birtz *dit* Desmarteau, thereunto duly authorized for and on behalf of the latter under a deed of acceptance of succession before Amable Archambault, N.P., on the 28th July last under the No. 13,607 of his minutes ;

Whereas they have prayed for the above reasons that the said Joseph Alexandre Adolphe Birtz *dit* Desmarteau *alias* Alexandre Desmarteau, in his capacity of tutor to the said Louis Joseph Arthur Birtz *dit* Desmarteau, be authorized to sell jointly with the other heirs of the said late Charles Birtz *dit* Desmarteau, senior, the moveables, immoveables, bank shares, railway stocks and other shares in various companies, belonging to the estate of the latter, *en bloc* or separately, for cash or on credit, as they may deem expedient, with the consent of the subrogate tutor to the said minor, without the authorization of a family council or other formality or the order of a court of justice or of a judge ; and whereas 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 property, moveable and immoveable, authorized.

1. The said Joseph Alexandre Adolphe Birtz *dit* Desmarteau *alias* Alexandre Desmarteau, accountant, of the city of Montreal, in his capacity of tutor to the said Louis Joseph Arthur Birtz *dit* Desmarteau, is authorized to sell, jointly with the other heirs of the said late Charles Birtz *dit* Desmarteau, senior, in his life time, accountant, of the city of Montreal, the moveables, the immoveables above described, the bank shares, railway stock and other shares in various companies belonging to the estate of the latter, *en bloc* or separately, for cash or on credit, as they may deem expedient, with the consent of the subrogate tutor to the said minor, without the authorization of a family council or other formality or order of a court of justice or a judge.

Coming into force.

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