

possession of the immoveables so affected by the substitution ;

Whereas each of the persons who are institutes, has several children who are substitutes in the said substitution, and great inconvenience and considerable loss would result to the interested parties if they were so to subdivide the substituted properties *ad infinitum* ;

Whereas it is in the interest of all the parties interested in the said substitution that the institutes now in possession of the said immoveables should be able to dispose of the same, as if the property wholly belonged to them, either by selling, hypothecating or otherwise alienating the same, notwithstanding the said substitution ;

Whereas it is expedient to grant the prayer of the said petition presented by the persons who are institutes in the said substitution, as above set forth ;

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

Certain property may be sold.

**1.** Alberic Charbonneau, Désiré Charbonneau, Joseph Charbonneau and Céline Charbonneau, wife of Eusèbe Venne, and their representatives, may dispose of the said substituted property, in whole or in part, after having been authorized by a judge of the Superior Court on the advice of a family council.

Application of proceeds.

**2.** The proceeds of the said sale shall be invested in the name of the institutes and of the curator to the substitution, in accordance with the provisions of article 981*o* of the Civil Code, and the provisions of articles 981*p* and 981*q* of the said Code shall also apply.

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## CAP. XCVIII.

An Act respecting a certain substitution established by the will of Dame Adelphine Vanier.

[Assented to 12th January, 1895.]

Preamble.

**W**HEREAS Joséphine Vanier, spinster, and Joseph Eléodore Léodas Vanier, civil employee, both of the city of Montreal, have, by petition, represented :

That, by the will of the late Dame Adelphine Vanier, of Montreal, widow of Pierre Vanier, in his lifetime Burgess, of the same place, received by Georges N. Fauteux, notary, on the seventh March, one thousand eight hundred and ninety-four, the said Dame Adelphine Vanier gave the enjoyment of all her moveable and immoveable property to

her daughter, Joséphine Vanier, spinster, of Montreal, and the ownership thereof to the children of the son of the testatrix, Joseph Eléodore Léodas Vanier, with substitution in favor of the latter, in the event of his children predeceasing him, and also a substitution, in case of the said Joseph Eléodore Léodas Vanier dying without children, in favour of the children of Alexandre Vanier ;

That the said Dame Adelphine Vanier appointed, as testamentary executor, the parish priest of the parish in which she might die ;

That the said Dame Adelphine Vanier died at Montreal, on the twenty-fifth April, 1894, in the parish of Saint Jean Baptiste, and that the parish priest of the said parish refused to accept the office of executor ;

That, by deed of exchange, dated the twenty-fourth April, one thousand eight hundred and ninety-four, passed at Montreal before R. A. Dunton, notary, the said Dame Adelphine Vanier acquired three lots of land, as follows :

1. A lot of land situate in Côte St. Antoine, and bearing the subdivisional number thirty-five of the lot officially numbered two hundred and fifteen on the plan and book of reference for the parish of Montreal ;

2. A certain lot of land situate in the same place, forming part of subdivisions twenty-eight and twenty-nine of lot number two hundred and fourteen of the plan and book of reference of the parish of Montreal, and more particularly described on the plan of re-subdivision as number two hundred and fourteen-twenty-eight *c* and two hundred and fourteen-twenty-nine *c* ;

3. Another lot of land situate in the same place, forming part of subdivision number thirty-six of lot number two hundred and eight of the official plan and book of reference of the parish of Montreal, and more particularly described in the plan of re-subdivision as number two hundred and eight-thirty-six *b*, without any buildings thereon ; the said Dame Adelphine Vanier promising to pay :

(a) To Jean Baptiste Renaud, the sum of one thousand three hundred and sixty-eight dollars and seventy-five cents ;

(b) The sum of twelve hundred and twenty-five dollars, with the privilege of *bailleur de fonds* ;

(c) The sum of eight hundred dollars to Thomas C. Bulmer ;

(d) The sum of fifteen hundred dollars to Alphonse Lavert, of Montreal ;

Whereas the said lands are unproductive and the usufructuary is unable to pay the interest thereon with the other property of the estate ;

Whereas by *acte* of curatorship, dated the fourteenth May, one thousand eight hundred and ninety-four, the Superior Court of the district of Montreal, on the advice of the

family council, appointed Joseph Eléodore Léodas Vanier curator to the substitution, with power to apply to the Legislature to obtain the right to convert certain vacant lots, forming part of the estate of the late Dame Adelphe Vanier, into productive property or into money to be invested in mortgages in the name of the said substitution ;

Whereas the usufructuary and the substitutes are equally interested in the passing of an act authorizing the sale of the said property ;

Whereas the said Joseph Eléodore Léodas Vanier and the said Joséphine Vanier have, by petition, applied for such authorization ; 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 immovables authorized.

**1.** The said Joséphine Vanier, and the curator to the substitution established by the will of the said Dame Adelphe Vanier are authorized to sell the immovables described in the preamble.

Valuation before sale, &c.

**2.** The sale shall be made after the said immovables shall have been valued by two sworn experts, one of whom shall be appointed by the usufructuary and the other by the curator to the substitution, with power to add a third sworn expert to their number ; and the said immovables shall not be sold for less than the estimated value.

Application of proceeds.

**3.** The price of sale of the said immovables or of any of them shall be employed :

1. In paying the hypothecary debts and charges which may exist upon the said immovables ;

2. In paying the costs incurred as well for fees and disbursements paid for the passing of this act as for those of the sale of the said property.

The balance of the price of sale shall be invested in accordance with the provisions of articles 9810 and following of the Civil Code.

Purchasers not to see to such application.

**4.** The purchasers of the said immovables shall not be responsible for the employment of the proceeds of the sale.

Coming into force.

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

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