

CAP. XCIII.

An Act respecting the succession of the late François Xavier Beaudry.

[Assented to 27th February, 1893.]

Preamble.

WHEREAS the Reverend Alfred Léon Sentenne, parish priest of the parish of Notre-Dame de Montreal; the Honourable Louis A. Jetté, judge of the Superior Court, testamentary executors, appointed by the will, hereinafter mentioned, of the late François Xavier Beaudry, in his lifetime of Montreal, the said Mr. Sentenne acting also in his capacity of tutor to François Xavier Beaudry, minor son of the testator; Dame Marie Josephine Léonie Hermine Beaudry, wife of the Honourable Pierre Evariste Leblanc, advocate and Speaker of the Legislative Assembly of the Province of Quebec, separated as to property from her said husband by marriage contract; Rudolphe Alfred Armand Beaudry, Esquire, physician, and René Narcisse Théodore Emile Beaudry, student, all of the city of Montreal, have, by their petition, represented:

That, by his will, dated the twenty-seventh of February, one thousand eight hundred and eighty-five, and his codicil, dated the twenty-third of March of the same year, the late François Xavier Beaudry, in his lifetime of the city of Montreal, burgess, disposed of his property by dividing it into two distinct portions: one to be given to his natural heirs, with substitution in favor of their children, and the other to the gentlemen of the *Séminaire de St. Sulpice*, to be employed for charitable purposes; and that, for the administration of such property, he appointed testamentary executors, whose powers are extended beyond the legal term; confiding to them the management of both portions of his estate;

That the properties composing these two portions of the testator's estate are entirely distinct; that the administration thereof might be separated to advantage, and that it would be expedient, in accordance with the wish of the testator, as expressed in his will, to interest his natural heirs in the administration of their share of the property, without, at the same time, imposing on them the administration of the property bequeathed for charitable purposes;

That the said testator already provided for the association, with the present testamentary executors, of one of his grandsons, namely, Gustave Beaudry and his son François Xavier Beaudry, when they should both have attained the age of twenty-five years, but that the said Gustave Beaudry is now deceased;

Whereas the testamentary executors appointed by the testator have in consequence prayed that additional powers

be granted to them for the purposes above mentioned ; whereas the heirs have united with the said testamentary executors to present this petition, and it is expedient to grant the same ;

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

1. From and after the first day of January, one thousand eight hundred and ninety-four, the administration of the property bequeathed by the said late François Xavier Beaudry to the *Séminaire de St. Sulpice de Montréal*, for charitable purposes, under his aforesaid will and codicil, shall be completely separate from that of the property bequeathed by the said testator to his natural heirs.

2. The present testamentary executors, to wit : the said Reverend Mr. Sentenne and the Honourable Louis A. Jetté shall alone remain in charge of the administration of the property bequeathed to the *Séminaire de St. Sulpice*, as at present, and with the same powers which they now possess under the will and codicil of the testator ; but the powers of the said testamentary executors shall cease, *pleno jure*, at the date aforesaid, as regards the property bequeathed by the testator to his natural heirs.

3. As regards the administration of that other portion of the succession, to wit : that comprising the property bequeathed to the heirs of the testator, it shall, from and after the same day, be confided to the three heirs of the testator, who are of the full age of majority (the husband of the grand-daughter of the testator being, for that purpose, considered as one of the heirs), who shall alone be charged with such administration, until the coming of age of the minor son of the testator.

4 At the latter date, to wit : on the coming of age of the minor son of the testator, notwithstanding any provision of clause twenty-one of the will of the said late François Xavier Beaudry, which declares that, when his said son shall have attained the age of twenty-five years, he shall also become testamentary executor for the whole of the estate, jointly with the testamentary executors originally appointed by the will, the said son of the testator shall, if he comes within the conditions set forth in the will, become testamentary executor, but only for that portion of the succession comprising the property bequeathed to himself and his co-heirs, and jointly with the latter, and without having any right to interfere with the other portions of the succession bequeathed to the Seminary, (the intention being to, absolutely and distinctly, separate these

two administrations) ; saving his right of appeal to the court from the decision of the said testamentary executors according to the will.

Powers of
testamentary
executors of
the property
bequeathed to
heirs.

5. The powers of the said heirs, as testamentary executors of that portion of the succession comprising the property bequeathed to them by the will, shall, as regards such property, be of the same duration as, and identical with those possessed by the present testamentary executors.

Replacing of
executors.

6. For replacing the testamentary executors charged with that portion of the succession comprising the property bequeathed to the heirs of the testator, in case of a vacancy occurring after the coming into force of the above provisions, it shall be provided for, in accordance with clause five of the testator's codicil, by appointing to such office, however, members of the family in preference to others ; and the person replacing the Reverend Mr. Sentenne shall not, for such portion of the succession, be the parish priest, in charge of the parish of Notre-Dame, who shall succeed the said Mr. Sentenne, only for that portion of the succession comprising the property bequeathed to the Seminary for charitable purposes.

On division of
administra-
tions, respon-
sibility of pre-
sent executors
to cease.

7. At the date of the separation of these two administrations in virtue of the above provisions, the present testamentary executors shall be fully discharged from all responsibility for the future, either towards the institutes or substitutes, or their heirs or assigns.

Account to be
rendered to
heirs.

The account of their administration of that portion of the succession bequeathed to the heirs shall be rendered to the said heirs who shall have become testamentary executors in their stead for that portion of the succession as hereinabove provided.

C A P. X C I V .

An Act respecting a certain substitution created by Edward William Burgess.

[Assented to 27th February, 1893.]

Preamble.

WHEREAS Dame Mary Farmer, of the city of Montreal, widow of the late Edward William Burgess, in his life-time of the said city of Montreal, hotel-keeper, and from whom she had been separated as to property by their contract of marriage, and herein acting, in her personal name, and in her quality of tutrix, duly appointed in law, to Catherine Burgess, the surviving minor child issue of her