

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

marriage with the said Edward William Burgess, and in her quality of institute under the holograph will of her said late husband, hereinafter referred to,—the minor Catherine Burgess being the substitute called to the substitution created under the same holograph will—has, by her petition, represented :

That the said late Edward William Burgess departed this life, at the said city of Montreal, on the first day of June, one thousand eight hundred and eighty-five, leaving his holograph will, made at the city of Montreal, on the twenty-eighth day of April, one thousand eight hundred and eighty-five, duly proved and verified by the prothonotary of the Superior Court for Lower Canada, in the district of Montreal, on the tenth of June of the lastly named year (1885), an authentic copy whereof and of the order touching the probate thereof, were registered in the registry office for the registration division of Montreal East, the twenty-third of June, one thousand eight hundred and eighty-five, under Nos. 14465 and 14466, and in the registry office for the registration division of the counties of Hochelaga and Jacques Cartier, the twenty-ninth of October, one thousand eight hundred and eighty-five, under Nos. 18490 and 18491; and by which holograph will, the said late Edward William Burgess, declared and provided that he left his property and business to his said wife, Mary Farmer, that she should take care of his two children, Catherine Burgess, above named, and Albert T. Burgess; and when they became of age, they could claim two hundred dollars, each; and finally, that if anything would happen his wife, all would go to the children, and if any thing should happen the children, all would go to his wife; and by which last disposition of his will, the said late Edward William Burgess created a substitution in favor of his above named two children :

That, at his death, the said late Edward William Burgess left the above named two children, Catherine and Albert T. Burgess, the former, then, aged about five years, and the latter, then, aged about twelve months;

That the said Albert T. Burgess died after his said father, to wit : on or about the fifth day of October, one thousand eight hundred and eighty-six, and that, therefore, his sister, the said Catherine Burgess, remained as the sole substitute called to the said substitution ;

That Walter T. Burgess, of the said city of Montreal, gas inspector, was appointed curator to the said substitution, upon the advice of a family council, received before J. Lonergan, notary, at the city of Montreal, on the twenty-sixth day of November last (1892), and duly homologated on the twenty-ninth of the same month, by the prothonotary of the said Superior Court, in the district of Montreal ;

That the only immoveables comprised in and which belong to the estate and succession of the said late Edward William Burgess are the following, namely :

1. A lot of land known and designated on the official plan and in the book of reference of St. Louis ward of the city of Montreal, by the number nine hundred and thirty-one (931), with a wooden house, encased with brick, erected on the rear part of the said lot and wooden shed erected on the front of the said lot ;

2. Two lots of land situate and being in St. Jean-Baptiste ward of the said city of Montreal, known and designated on the official plan and book of reference of the incorporated village of St. Jean-Baptiste, in the county of Hochelaga, by the numbers one hundred and one hundred and one (100 and 101), with two wooden houses erected on the front and a wooden house erected on the rear of lot No. 100, and a wooden house, encased with brick, erected on the rear of lot No. 101 with a shed in front ;

That the existing buildings on the said lots of land are so old and decayed and in such a dilapidated condition, that the rents and revenues derivable therefrom are very small and limited, and will necessarily continue to become less in the future, and that, apart from such rents and revenues, the said Mary Farmer has no other means of making repairs or improvements to the said buildings ; and that, after deduction from such rents of the yearly payment of the rates and assessments levied on the said properties, and the premiums of insurance on the same, the remainder of such rents and revenues left therefrom, is totally insufficient for the maintenance of herself and of her said minor daughter ;

That inasmuch as a considerable portion of the above described immoveables is vacant, and is so very favorably located, that if buildings were constructed thereon, or that if some or the whole of the existing buildings were demolished and removed, and others put up and erected in their place, on any portion of such lots, all such buildings so erected would yield very large and profitable rents and revenues ; and that, therefore, it would be in the greatest interest and advantage of the said Mary Farmer, the institute, and of her said daughter, the substitute, to borrow as large a sum of money as could be borrowed, for the purpose of using and expending the same, in the erection and construction, on the vacant part of such lots of land, of new buildings, and of demolishing and removing the existing buildings and erecting other buildings in their place and stead, and as security of the repayment of the borrowed sum of money, in capital and interest, to hypothecate the above described immoveables ;

That, instead of borrowing money for the purpose of erecting and constructing buildings on such lots of

land, as above mentioned, the said Dame Mary Farmer might consider it more judicious and beneficial for herself and the said substitute, to sell wholly, *en bloc*, or separately, the above described immoveable properties, and invest the proceeds of such sales in the purchase of other real estate, or in loans secured by first mortgage on real estate, which should represent the immoveables sold, inasmuch as it shall concern the said substitute ;

Whereas the said Dame Mary Farmer, the petitioner, has established the essential allegations of her petition, and it is expedient to grant her prayer ;

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

1. Dame Mary Farmer, the institute of the substitution created under and by the aforesaid holograph will, and the curator to the said substitution created therein, are authorized to borrow, for such a period of time, and upon such terms and conditions as they shall deem necessary or expedient, as large a sum of money as they can or may be enabled to borrow, and to pay interest thereon, and which sum of money they shall use and expend as trustees under the terms of the Civil Code, article 981*a* and following, in erecting and constructing, on the above described three lots of land or on any one of them, good and substantial buildings, and in demolishing and removing the whole or any part of the existing buildings on the said lots, and in putting up and constructing other buildings in their place and stead.

Certain sum may be borrowed for certain purpose.

2. To secure and guarantee the repayment of the sum of money borrowed, and the interest to accrue thereon, as well as of the fulfilment of the other charges and conditions which may be stipulated in the deed of loan of the said sum of money, the said Dame Mary Farmer and the said curator are authorized to hypothecate, in favor of the lender of the said sum of money, the above described three immoveable properties or any of them, and to make, execute and sign the necessary deed of loan, with hypothec, of the said sum of money, and all other agreements and deeds, or documents required or necessary in regard thereto, or which shall facilitate the said loan.

Security for such loan.

3. Furthermore, if, instead of borrowing the said sum of money, for the purposes above mentioned, the said institute should consider it more judicious and beneficial to herself and the said substitute, to sell the said immoveables, she, the said institute and the curator to the substitution, may and are authorized, in such case, with the permission of a judge of the Superior Court or the prothonotary of

Property may be sold instead of borrowing money thereon.

the said court, granted upon the advice of a family council, duly convened for the purpose, and upon such charges and conditions as may be ordered by the said judge or prothonotary, to sell the whole of the above described immoveable properties, *en bloc*, or separately.

Effect of payment of purchase price.

4. The payment of the purchase price of the said immoveables or of any of them, by the purchaser thereof, shall be valid to all intents and purposes, and shall relieve such purchaser from all responsibility as regards the investment of the proceeds of the sale of such said immoveables or of any of them.

Investment of proceeds.

5. The proceeds of the sale of the said immoveables shall represent such immoveables and shall be invested in the purchase of other immoveables, according to article 981a and following of the Civil Code.

How to be made.

The said investment shall be made by the said Dame Mary Farmer, the institute, with the assistance of the said curator, upon the authorization of a judge of the Superior Court or the prothonotary of the said court, upon the advice of a family council.

C A P. X C V.

An Act to authorize the sale of the immoveable property belonging to the substitution created by the wills of the late Dame Marie Emélie Crevier and of the late Narcisse M. Lecavalier.

[Assented to 27th February, 1893.]

Preamble.

WHEREAS Dame Marie Emélie Crevier, in her life-time widow of the late Augustin Candide Duclos Decelles, her first husband, and afterwards wife, common as to property, of Narcisse M. Lecavalier, in his lifetime registrar, of St. Laurent, did, by her last will and testament, made at the city of Montreal, before Messrs N. Pérodeau and colleague, notaries, on the twelfth of November, one thousand eight hundred and seventy-eight, give and bequeath to her daughter, Marie Eugénie Decelles, wife of Flavien Filiatrault, registrar, of the city of Montreal, her moveable property and the usufruct during her lifetime, of all other property, (*acquêts, conquêts et propres*) which she might leave at her death; and whereas the said will contains moreover a substitution in the following terms:

“At the death of my said daughter, her said right of usufruct having expired, I give and bequeath to her children,