

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.

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#### 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.

**W**HEREAS 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,

born in lawful wedlock, and to the survivor of them and their legal representatives, that is, to the children of those deceased leaving children, the full and complete ownership, by roots, of all the immoveable property whereof their mother may have had the usufruct, to be by them, my said grand-children, divided by them in regular parts and portions and by roots. In case my said daughter shall die, without leaving any children or grand-children, or if there have been any, and the said children or grand-children shall have died in minority and without leaving children, I transfer in such case the ownership of my estate, subject to my daughter's right of usufruct, to the children of my two brothers, Augustin and Antoine Crevier, then living, each root taking one half, hereby nominating and appointing my said grand-children, the children of my said two brothers, my universal legatees ; ”

Whereas the said Dame Marie Eugénie Decelles is now deceased, leaving four children, issue of her marriage with the said Flavien Filiatrault, who are still minors and are the institutes in the said substitution, under the conditions mentioned in the said will ;

Whereas, at the time of her death, the said Dame Marie Emélie Crevier was the proprietor of a certain immoveable property, bearing the number twenty-eight (28) of the cadastre of the municipality of La Côte des Neiges, which belonged to her as a *propre*, and the community of property existing between her and her said husband was composed of the following immoveable properties, to wit : the lots of land bearing the following numbers respectively, four hundred and thirty-four, four hundred and fifty-three and fifty-one (434, 453 and 451) on the official plan of the cadastre of the parish of St. Laurent, and part of the lot bearing the number twenty (20) on the official plan of the parish of St. Laurent, and also the number eight hundred and eighty-eight (888) on the official plan of the cadastre of St. James ward, in the city of Montreal, with the houses and other buildings upon some of the said lots ;

Whereas, by his last will and testament, made at Montreal, on the thirty-first of October, one thousand eight hundred and ninety-one, before Messrs. L. Bélanger and colleague, notaries, the said Narcisse M. Lecavalier appointed the said Dame Marie Eugénie Decelles, wife of the said Flavien Filiatrault, the universal legatee of all his property, both moveable and immoveable, subject to the charge of preserving the said property and handing it over to the children born and to be born of her present marriage, as well as of every other marriage which she may contract, thus creating a substitution ;

Whereas the immoveable properties which formed part of the estate of the said N. M. Lecavalier, at the time of his decease, are the same as those resulting from the community

of property which had existed between him and the said Dame Marie Emélie Crevier, which are described above ;

Whereas the substitution created by the will of the said N. M. Lecavalier is now open, through the death of the said Dame Marie Eugénie Decelles, but whereas the substitution created by the will of the said Dame Marie Emélie Crevier is suspended by the condition therein mentioned ;

Whereas it has been represented and established in a satisfactory manner, by the petition of the said minor children, represented by their tutors, and of the curator to the said substitution, that it is greatly to the interest of the said minors and even of the final institutes in the said substitution that the said immoveable properties be sold to the best advantage and the proceeds of such sale be invested according to law ; and whereas it is expedient to grant the prayer of the said petition ;

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

Power to sell certain property.

1. The tutor to the minor children, issue of the marriage of the late Dame Marie Eugénie Decelles with Flavien Filiatrault, may, assisted by the curator duly appointed to the substitution, and with the permission of a judge of the Superior Court, sell by deed, to which the said curator shall be a party, all and each of the immoveable properties, from time to time, either separately or altogether, or by subdividing them into lots, by private sale or by public auction, or partly in one way and partly in another, either for cash or instalments bearing legal interest, or any other rate of interest which may be lawfully stipulated ; the unpaid balance in every case being secured on the property sold, with privilege of *bailleur de fonds*.

Effect of sale.

2. The said certificate of sale shall be valid and effective in transferring the title to the said immoveables to all intents and purposes as if it had been passed by the testators themselves, and the purchaser or purchasers shall not be bound to see to the investment of the purchase price.

Who shall collect proceeds of sale.

3. The proceeds of such sale or sales, as they from time to time are effected, shall be collected by the tutor and by the curator to the substitution jointly, and their receipt and discharge shall be good and valid, and the application of the said moneys shall be made in accordance with section 4 of this act.

Application of proceeds.

4. The proceeds of the sale, and all other moneys arising from the said substitution, shall be invested in conformity with the provisions of articles 981*a* and following of the Civil Code.