

CAP. XCIX.

An Act to authorize Benjamin Castonguay, Dame Emélie Vallée and J. Bte. Renaud, ès-qualité, to hypothecate an immoveable property subject to substitution.

[Assented to 30th December, 1890.]

WHEREAS by her last will and testament, made at ^{Preamble.} Montreal, on the thirteenth day of January, one thousand eight hundred and fifty-one, before Maîtres. N. G. Bourbonnière and C. E. Belle, notaries, Dame Marie Anne Normand, then resident in the city of Montreal, widow by her first marriage of the late Benjamin Castonguay, and by her second of the late Jean-Baptiste Deslaunier, did dispose of her estate, in the fourth paragraph of her said will, in the following words :

“ The said testatrix doth give and bequeath to Benjamin Castonguay and to Dame Emélie Vallée, his wife, the usufruct and enjoyment, during their lives, of all property, whether moveable or immoveable, *acquets, conquets, propres*, gold, silver, coined or uncoined, rights, actions, debts due her and, generally, of everything which she shall leave at the day and hour of her decease, in such quantities and of such quality as such property may be found, amount to or consist of, and in whatsoever places they may be found to be due or situated, without any exception or reserve : (excepting always her clothing and body linen in actual use) which properties shall after the decease of the said Benjamin Castonguay and Emélie Vallée, go to and immediately become the property of the children, born and to be born of the marriage of the said Benjamin Castonguay and Emélie Vallée, to be, by the said children, used and enjoyed, dealt with and disposed of in full ownership in virtue of these presents ; ”

Whereas in the sixth paragraph of her said will, the said Dame Marie-Anne Normand expressed her wishes as follows :

“ The will and intention of the said testatrix is that the use and enjoyment of all the property belonging to her at the time of her decease and by her bequeathed, as above, to the said Benjamin Castonguay and Dame Emilie Vallée, his wife, shall be considered as an alimony, to be employed, as well for their provision and maintenance, as for the provision, maintenance and education of their children, and that in consequence, they shall not be either transferable or seizable by any of the creditors of the said Benjamin Castonguay and Emilie Vallée, for any cause or reason whatever ; ”

Whereas the said Dame Marie-Anne Normand died, without having in any way revoked her said will, which was duly enregistered according to law ;

Whereas Jean-Baptiste Renaud, accountant, of the city of Montreal, was named curator to the substitution created by the said will ;

Whereas among the property left at her death by the said Dame Marie-Anne Normand, is the following immoveable, to wit :

“ A lot of land situate on St. Lawrence street, in the city of Montreal, being number three hundred and forty-six of the official plan and book of reference for St. Lawrence ward, in the city of Montreal, together with the buildings thereon erected ” ;

Whereas the city of Montreal, for the purpose of widening the said St. Lawrence street, has expropriated the northeasterly part of the said lot of land, which has necessitated the complete demolition of the houses and stores erected upon the said lot ;

Whereas, in the interest of the substitutes, as well as in their own interest, the institutes have caused to be rebuilt upon the said lot, in lieu of the buildings pulled down, two stores of four stories in height, of which three stories are already put up ;

Whereas the institutes, in order to have the works done, used the amount arising from the indemnity allowed by the city of Montreal as the price of the part of the lot expropriated ;

Whereas, further, in the prosecution of these works, the institutes became indebted and now require a sum of twelve thousand dollars to pay the debts and to finish the stores upon the said lot ;

Whereas it is advisable that the institutes and the curator to the substitution be permitted to borrow a sum, not exceeding twelve thousand dollars, to pay the debts contracted by the institutes, to erect and finish the aforementioned stores, and to hypothecate the said property number 346 above described and the buildings thereon erected, to secure the repayment of the said sum of twelve thousand dollars and the interest which might accrue thereon ;

Whereas Benjamin Castonguay and Dame Emile Vallée, the two institutes are, the first seventy seven and the second seventy years of age ;

Whereas their children, the substitutes, are only two in number, viz : Claire Castonguay, widow of Alfred Chali-four, and Julie Castonguay, wife of Philéas Desormiers, who, as well Jean Baptiste Renaud, the curator to the said substitution, approve of the loan in question ;

Whereas the allegations of the petition have been proved and that it is advisable to grant the prayer thereof ;

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

1. Benjamin Castonguay, Emélie Vallée, the institutes of the substitution created by the will in part above recited, and the curator to the said substitution, are authorized to borrow an amount, which shall not exceed twelve thousand dollars and which shall be appropriated to the payment of the debts already incurred, in putting up the stores now in course of construction on the said above described lot, and in finishing the same with their dependencies.

Institutes and curator authorized to borrow money on security of real estate.

The amount of the loan shall be invested by the lender in an incorporated bank in Montreal to the credit of the institutes of the substitution and of the curator thereof conjointly, who must employ it for the purposes above specified.

Investment of amount loaned.

2. The institutes and the curator, to assure and guarantee the repayment of the loan, are authorized to hypothecate in favor of the lender of the whole of the said amount or of a part thereof, the immoveable property above described and to conclude all necessary agreements to this end ; and they are further bound annually to affect to the repayment of such loan until perfect payment thereof in capital and interest a sum equal to at least six per cent of the sum loaned and taken out of the revenues of the said immoveable.

Power to hypothecate property as security for repayment of amount loaned.

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

Coming into force.

C A P. C.

An Act to authorize Henri Bouthillier to sell a certain substituted immoveable.

[Assented to 30th December, 1890.]

WHEREAS Dame Geneviève Françoise Beaubien, Preamble.
widow of the late Louis Tancrède Bouthillier, in his lifetime sheriff of the city and district of Montreal, died on the tenth of August, one thousand eight hundred and eighty five, after making her solemn will and testament on the twenty-eighth day of December, one thousand eight hundred and eighty, before Maître P. Lamothe and his colleague, notaries, by which she instituted her two sons, Charles and Henri Bouthillier, her universal legatees each for one half ;