

3. This act shall come into force on the day of its sanc- Coming into  
force.  
tion.

## C A P. C X X .

An Act to authorize Marie-Louise Priscille Benoit and Philippe Benoit *es-qualité*, to hypothecate certain substituted immoveables.

[Assented to 2nd April, 1890.]

**W**HEREAS, by her last will and testament, made at Preamble.  
Montreal, on the 3rd June 1878, before Maitres Perodeau and Jobin, Dame Melanie Robert *dît* Namur disposed of her property in the following terms :

“ I give and bequeath, unto François Benoit, the usufruct during his lifetime, whether he remarries or not, of all the moveable and immoveable property, rights and shares, to have and to hold as usufructuary during his lifetime, without being obliged to furnish security or to make an inventory or to render account to any one whomsoever, until his death, at which period I transfer his said rights of usufruct to my only daughter Marie-Louise Priscille Benoit, without her being obliged to give any security for her said right of usufruct; but she shall be obliged to make an inventory in the presence of the curator appointed to the substitution created by my present will; for my said daughter to enjoy her said right of usufruct as alimony for herself and her children, forbidding that such right of usufruct be liable to seizure, subject to transfer or be sold or disposed of, declaring every deed in contravention hereof, null and void.

“ My said daughter shall at her death transfer the property, rights and shares, of which she shall have so had the usufruct, to the children then born of her lawful marriage and their survivors and representatives ; ”

Whereas the said Dame Mélanie Robert *dît* Namur died without revoking her said will, which has been duly registered according to law ;

Whereas Philippe Benoit was appointed curator to the substitution created by the aforesaid will ;

Whereas amongst the property left at her death by the said Dame Mélanie Robert *dît* Namur, there are the following immoveables ;

1. A property situate on St. Constant street and on German street, (*rue des Allemands*) known as No. 223 of the official plan and book of reference of St. Louis Ward of the city of Montreal ;

2. A property situate on Dubord street, known as No. 225 of the official plan and book of reference of St. James Ward of the city of Montreal.

Whereas the houses erected on St. Constant and German streets (*rue des Allemands*) cannot be rented owing to their bad condition ;

Whereas the lots of land on which such houses are built are very extensive and would allow of much larger houses being built thereon and would yield larger revenues ;

Whereas it would be an advantage, both for the institutes and for the substitutes in the said substitution, that the said institute Dame Marie Louise Benoit, wife of Gédéon Bourdeau, by her husband duly authorized, and the curator to the substitution, Philippe Benoit, be permitted to borrow an amount not exceeding fourteen thousand dollars for the purpose of rebuilding the two houses on the said St. Constant and German streets, and to hypothecate the two properties above described to secure the repayment of the sums advanced ;

Whereas the allegations of the petition have been proved, and it is expedient to grant its prayer ;

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

Certain sum authorized to be borrowed for certain purposes.

**1.** The said Dame Marie-Louise Priscille Benoit, the institute in the substitution, created by the aforesaid will hereinabove partly recited, and the curator to the said substitution, are authorized to borrow an amount which shall not exceed fourteen thousand dollars, and which shall be employed in erecting new buildings on the lot hereinabove firstly described.

How to be paid.

The amount of the loan shall be paid by the lender as the work of construction advances, upon the order of the curator and of the architect in charge of the work.

Security for loan.

**2.** The said institute and curator are authorized, for securing and guaranteeing the repayment of the loan, to hypothecate the two immoveables above described in favor of the lender of the said sum or any part thereof, and to enter into all the necessary agreements for that purpose.

Coming into force.

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