

Certain property substituted may be sold by L. A. Z. Pouliot and his wife after observance of certain formalities.

1. Louis Arthur Zotique Pouliot and Mary Eugénie Tremblay, his wife, may, with the permission of a judge of the Superior Court, granted on the advice of a family council duly convened for the purpose, sell *en bloc* or separately, at the price determined by the judge, on the advice of the family council, the immoveables described in the marriage contract of the said Louis Arthur Zotique Pouliot, and being numbers two hundred and forty three (243), and two hundred and fifty (250), of the official cadastre for the parish of L'Islet, and three hundred and fifty eight (358), of the official cadastre for the parish of St Eugène, in the said county of L'Islet, and by observing the said formalities, they may transfer such immoveables to the purchaser who, on payment of the purchase price, shall acquire a perfect title to such immoveables, notwithstanding the substitution.

Proceeds to represent immoveables and part to be invested in real estate.

2. The total proceeds of the sale of all or any of such immoveables sold under the authority of this act shall represent such immoveables in so far as the institutes are concerned and shall be invested in real estate, by hypothecs, or purchases, made by the curator to the substitution in the name of the substitutes up to the sum of two thousand dollars, and the balance of the said price may be handed to the said L. A. Z. Pouliot, to be by him applied in his discretion for the benefit of the substitutes, and shall, in all respects, be administered as property substituted in favor of the substitutes.

Disposal of balance.

Change of investments how to be effected.

3. The investment of the said sum of two thousand dollars may, with the consent of the institutes and of the curator to the substitution, be effected, modified and changed with the permission of a judge of the Superior Court, on the advice of a family council duly convened for the purpose, in the manner above prescribed.

Coming into force.

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

C A P . C X X V .

An Act to authorize the sale of immoveable property belonging to the substitution created by the will of the late John Monk and the investment and re-investment of the proceeds of such sale.

[Assented to 12th July, 1888.]

Preamble.

WHEREAS Dame Eliza Carmichael, widow of the late John Monk, in his lifetime of the city and district of Montreal, advocate, and others, have, by their petition,

represented, that the said late John Monk did, on the twenty-fifth day of January, one thousand eight hundred and seventy-five, make his last will and testament, whereby, in effect, after certain special legacies, he gave, devised and bequeathed the usufruct of the residue of his property, of every nature and kind whatsoever of which he should be possessed to his wife, Dame Eliza Carmichael for the term of her natural life, or so long as she should remain his widow, constituting her the sole executrix and extending her power as executrix beyond the year and day allowed by law; and did bequeath, upon the decease of his said wife, or upon her contracting a second marriage, the usufruct of the said residue of his estate unto his children Charles Richard Ogden Monk, John Monk and Francis Henderson Monk, all three now resident in Australia, Dame Katherine Monk, widow of the late Lewis Phillip Cross Damoreau, in his lifetime of the city of Boston in the State of Massachusetts, one of the United States of America, Dame Henrietta Jane Monk, wife duly separated as to property of William D. McLaren the younger, manufacturer, Alfred Monk, Esquire, Margaret Alice Monk, William Monk, Isabel Mary Monk and Ellen Ogilvy Monk, all of the city and district of Montreal, during the terms of their natural lives, in equal shares and proportions, the shares of such children as should decease either before or after the marriage or death of his said wife, to revert to their legal representatives according to law, and did further in and by his said last mentioned will and testament, provide that, at and upon the decease of all of his said children, the whole of the said residue of his property should be divided amongst the representatives or heirs at law of his said children *par souches* according to the law of succession as existing in this province in full and absolute property, thereby creating a substitution in favor of the said representatives or heirs at law of his said children ;

That on the ninth day of November, one thousand eight hundred and eighty-one, the said John Monk departed this life, and the said Dame Eliza Carmichael entered into the enjoyment and possession of the said property as usufructuary and executrix ;

That the hereinbefore named children of the said John Monk are entitled to the usufruct, use and possession of the said property in the event of the remarriage or death of the said Dame Eliza Carmichael, and are the only children of the said John Monk now living ;

That heretofore, to wit, on the twenty-eighth day of November, one thousand eight hundred and eighty-one, upon the advice of a family council duly summoned for the purposes of advising upon the appointment of a

curator to the substitution created by the said will of the said late John Monk, Messrs. Honey and Gendron, joint prothonotaries of the Superior Court for the district of Montreal, appointed Robert Allan Carmichael, of the city and district of Montreal, as curator to the said substitution ;

That by deed, executed before Adolphe Labadie, notary public, on the fifth day of August, one thousand eight hundred and eighty-two, the said Dame Eliza Carmichael, acting as usufructuary and executrix of the said late John Monk, invested the sum of fourteen thousand five hundred dollars of the money forming part of his estate and succession, in a hypothec upon certain property lying, being and situate in the parish of Sault au Récollet, in the district of Montreal, upon the terms and conditions in the said deed set forth ;

That the said Dame Eliza Carmichael was obliged to bring the said property in the said parish of Sault au Récollet to judicial sale, and for the purpose of protecting the interest of the estate of the said late John Monk, she did, on the twelfth day of February, one thousand eight hundred and eighty-seven, purchase at sheriff's sale, at the total price of four thousand seven hundred and six dollars and fifty cents, certain of the property described in the petition, which had been duly hypothecated to her in her said capacity by the obligation above referred to, and which became thereby the property of the substitution created by the said will of the said late John Monk ;

That the said property is unremunerative and deprives the estate and succession of the said late John Monk, and more especially the usufructuary, of the use and enjoyment of a large sum of money heretofore bearing interest ;

That at a family council, to which were called the relatives of the said children of the late John Monk, for the purpose of advising as to the sale of the said immovables at Sault au Récollet, and approving of certain sales thereof already made, it was advised that the said Dame Eliza Carmichael and the said institutes, with the consent of the said curator, should be authorized to sell forthwith all said property at Sault au Récollet, belonging to the said estate of the late John Monk, at such time and upon such terms and conditions as may be approved of, and to receive the price of such sales, and the same to invest and reinvest as may be deemed most advantageous in the interests of the said estate, and the sales already made of portions of the property at Sault au Récollet were confirmed, and it was decided to seek legislation ratifying such sales of the immovables at Sault au Récollet as have already

been made, and conferring on the usufructuary, institutes and curator the said powers of sale ;

And whereas the petitioners have established in effect the material allegations of their 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. The said usufructuary and the said institutes, with the consent of the curator named to the substitution created by the will of the late John Monk, may forthwith sell or dispose of, at such prices and upon such terms and conditions as may be deemed expedient, all of the property situated in the parish of Sault au Récollet in the District of Montreal, and described in the Schedule A to this act. Usufructuary and institutes may sell certain property.

2. The sales heretofore made by the said Dame Eliza Carmichael of any part or portion of the said property in the said parish of Sault au Récollet, in accordance with the terms of the preamble, are hereby ratified, confirmed and made valid, notwithstanding the said substitution. Certain sales ratified.

3. The total proceeds of the sales heretofore made by the said Dame Eliza Carmichael of any part of the immovables situated in the parish of Sault au Récollet, and the proceeds of any sales that may hereafter be made of the said property, shall be invested in the name of the substitution, and shall, in all respects, be governed by the provisions of the will of the late John Monk. Investment of proceeds of sales.

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

SCHEDULE A.

1. A lot of land situate and being in the parish of Sault au Récollet, county of Hochelaga, district of Montreal, known and designated on the official plan and book of reference of the said parish of Sault au Récollet, under number eleven of the official subdivision of lot number two hundred and forty-five, forming the corner of the public road, known under the name of *chemin du Pont* and of the *chemin de base* of Sault au Récollet, with a wooden house and dependencies thereon erected.

2. Another lot of land situate and being in the same place, known and designated on the official plan and book of reference of the said parish of Sault au Récollet, under numbers nineteen and twenty of the official subdivision of lot number of two hundred and forty-five, with a wainscoted house and dependencies thereon erected ;

bounded in front by a street known as being the continuation of St. Denis street.

3. Another lot of land situate and being in the same place, known and designated on the official plan and book of reference of the said parish of Sault au Récollet, under number twenty-three of the official subdivision of lot number two hundred and thirty-six, with a wooden house occupied as a shop and dependencies, forming the corner of the public road, known under the name of *chemin du pont* and of the *chemin de base* of Sault au Récollet.

4. Two lots of land situate and being in the same place, being numbers fifteen and sixteen of the official subdivision of lot number two hundred and forty-five, on the official plan and book of reference of the said parish of Sault au Récollet without buildings; bounded as follows, in front by a road known as being the continuation of St-Denis street.

5. Eight lots of land situate and being in the same place, composed of numbers three, four, five, six, seven, eight, nine and ten, of the official subdivision of lot number two hundred and thirty-six on the official plan and book of reference of the said parish of Sault au Récollet, without buildings; bounded as follows, number three, forming the corner of a street known and designated on the official plan and book of reference, under number one of the official subdivision of said lot number two hundred and thirty-six and of a street known and designated on the said official plan and book of reference under number two of the official subdivision of said lot number two hundred and thirty-six; number four bounded in front by a street known and designated on said official plan and book of reference under number two of the official subdivision of said lot number two hundred and thirty-six, numbers five, six, seven, eight, nine and ten bounded in front by a street known and designated on the said official plan and book of reference under number one of the official subdivision of said lot number two hundred and thirty-six.

CAP. CXXVI.

An Act to extend the powers of the Sherbrooke Marble Company and the Dudswell Lime and Marble Company.

[Assented to 12th July, 1888.]

Preamble.

WHEREAS The Sherbrooke Marble Company and The Dudswell Lime and Marble Company have petitioned for an act to extend their powers, to confer upon them the rights of railway corporations, in relation to their