

C A P . L X X X .

An Act to substitute voluntary for forced licitation as regards certain property belonging to the estates of the late Damase Masson and his wife.

[Assented to 9th May, 1885.]

WHEREAS Alfred Masson, Adolphe Masson, Damase ^{Preamble.} Masson, all three merchants, Octavie Masson, wife of Henri Maurice Perrault, architect, by him duly authorized, Alphonsine Masson, wife of Joseph Duhamel, advocate and Queen's Counsel, by him duly authorized, all of the city of Montreal, Virginie Masson, wife of Guillaume Henri Desjardins, physician, by him duly authorized, both of the city of Boston, in the United States of America, represented by their attorney, Leocadie Masson, wife of Hospice Labelle, merchant, by him duly authorized, both of the city of Montreal, and Edwin Hurtubise, of the same place, insurance agent, by their joint petition, have represented that in virtue of the will of the late Damase Masson, in his lifetime of the city of Montreal, merchant, and of the will of the late Dame Marie Louise Virginie Jobin, his wife, both made at Montreal before J. E. O. Labadie and his colleague, notaries, on the same day, the twenty-ninth day of August, one thousand eight hundred and seventy-six, there exist two substitutions, which are in fact but one and the same substitution, for one-seventh of the property bequeathed by the deceased, in favor of the children born and to be born of the marriage of the said Léocadie Masson with the said Hospice Labelle;

That such of the heirs as are not institutes in the said substitution, and who at present own the undivided six-sevenths of the said property, desire that the same should no longer remain undivided and that a partition of the property of both estates be made;

That certain shares in a financial institution and certain immovables described at length in the said petition, and affected by the said substitutions, cannot conveniently be divided, and it is necessary for such partition that such undivided property be sold;

That the petitioners wish to save the heavy expenses of a forced licitation before the courts;

Whereas it would be to the advantage of the said substitutes and the said petitioners to grant the latter the authorization prayed for by their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain parties
allowed to sell
certain prop-
erty.

1. Dame Léccadie Masson, assisted by her husband, and Edwin Hurtubise, may, after being thereunto authorized by a judge of the Superior Court of this province, in chambers, on the advice of a family council declaring that such sale is necessary, sell by voluntary licitation, jointly with the other parties interested, the shares and lots of land hereinafter described, by previously establishing the value thereof to the satisfaction of such judge, to wit :

1st. A lot of land, situate in Saint Louis ward of the city of Montreal, containing forty feet in front by one hundred and fifty-three feet in depth, the whole, more or less, bounded in front by Saint Lawrence street, in rear by Saint Dominique street, with the buildings thereon erected, and now known and designated on the official plan and book of reference for the said Saint Louis ward as number seventy-five ;

2ndly. A lot of land, situate in the said Saint Lawrence ward of the city of Montreal, containing twenty-one feet three inches in front by one hundred and fifty feet in depth, bounded in front by Saint Lawrence street, in rear by Saint Dominique street, with the buildings thereon erected, and now known and designated on the official plan and book of reference for the said Saint Louis ward as number seventy-six ;

3rdly. A lot of land, in the said city of Montreal, bounded in front by McGill street, in rear by Longueuil lane, containing thirty feet in width by one hundred and seven feet in depth on the north-west side and one hundred and nine feet on the south-east side, with the buildings thereon erected, and now known and designated on the official plan and book of reference for Saint Ann's ward of the said city as number one thousand eight hundred and ninety-five ;

4thly. Twenty-five shares of twenty-five pounds sterling each (upon each of which six pounds five shillings have been paid), in the capital stock of the North British and Mercantile Insurance Company, whose head office for the Province of Quebec is in Saint François Xavier street, in the said city ;

Application of
proceeds of
sale of stock.

2. The share of the substitutes in the proceeds of the sale of such stock, shall be collected from the purchasers thereof and be placed, as hereinafter prescribed, at interest by the administrators appointed by the said wills for the purposes of the said substitutions.

Application of
proceeds of
sale of real
estate.

3. The share of the substitutes in the proceeds of the sale of the immovables shall remain at interest in the hands of the purchasers thereof, until the opening of the said substitutions with the security of a vendor's privileged hypothec (*baillieur de fonds*) on the said property, for the purposes of the said substitutions ; or in the event of the total or partial

payment of such share by the purchasers before the substitutions are opened, the testamentary administrators shall invest the mon-ys, representing such share or any part thereof, in the purchase of immovable property, with the approval of a judge of the Superior Court, or in accordance with the act 42-43 Victoria, chapter 30, intituled "An act defining the investments to be made by administrators," and with the act amending the same.

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

C A P . L X X X I .

An Act to authorize the resiliation and setting aside of a substitution established by a deed of gift by Catherine Poitras, in favor of the children of Ludger Plessis Bélair *et al.*

[Assented to 9th May, 1885.]

WHEREAS on the eighth day of April, one thousand Preamble.
eight hundred and sixty-eight, by deed passed in the city of Montreal, before J. H. Jobin, notary, Catherine Poitras, did give, by deed of gift to Ludger Plessis Bélair, Téléphore Plessis Bélair, Joseph Arthur Plessis Bélair and Joseph Sylva Plessis Bélair, the immovable property bearing the number sixty-six on the official plan and book of reference for Saint Louis ward, of the city of Montreal ;

Whereas by such deed of gift, the immovable aforesaid was substituted in favor of the children of the said donees ;

Whereas such deed of gift was accepted by only one of the donees, Ludger Plessis Bélair, the other donees being minors ;

Whereas the substitution is not yet opened ;

Whereas at the time the said deed of gift was made the immovable was subject to charges and hypothecs to the amount of nine thousand four hundred and eighty-seven dollars and eighty-seven cents ;

Whereas the said immovable is further hypothecated for the payment of a life-rent of thirty-five pounds sterling in favor of Louisa Gordon, of Liverpool, in England ;

Whereas the property aforesaid is further hypothecated for the payment of a life-rent of eight hundred dollars in favor of Madame Louis Raymond Plessis Bélair ;

Whereas the said immovable is further hypothecated for the payment of a life-rent of five hundred dollars in favor of Miss Catherine Poitras ;