

Code and Code of Civil Procedure for the sale of immovable property belonging to minors or other persons legally incapable.

Application
and investment
of proceeds.

4. The moneys derived from the vendors' privileged claims (*baillleurs de fonds*) aforesaid and those arising from the sale which shall be made of the property mentioned in the preceding section, or of any part thereof, may be left in the hands of the purchaser or purchasers with the security of the vendor's privilege (*baillleur de fonds*) and any other additional necessary hypothec, or they may be loaned on hypothec with interest, or may be employed in acquiring immovables which may yield a profitable revenue for the benefit of the said substitution, or may be invested in accordance with the provisions of the Act of the Legislature of Quebec, 33 Victoria, chapter 19, which investments shall in all cases be subject to the rights of the institutes in and to the said substituted property.

Coming into
force.

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

C A P . L X X X I V .

An Act to authorize Tancred Rodolphe Barbeau to sell certain substituted immovable property.

[Assented to 9th May, 1885.]

Preamble.

WHEREAS Tancred Rodolphe Barbeau, merchant of the city of Montreal, has, by his petition, represented that, in virtue of the will of the late François Barbeau, Esquire, merchant, in his lifetime of the village of the parish of Sainte Geneviève, in the county of Jacques Cartier, in the district of Montreal, made in the said parish of Ste. Geneviève, on the twentieth day of June, 1864, before J. Filiatrault, notary, and two witnesses, and of a certain codicil made by the said testator, before the same notary and two witnesses, at the same place, on the 26th January, 1865, he is at present proprietor and in possession, as institute in a substitution in favor of his children, of a certain immovable described as follows in the said will :

“ A lot of land, situate in the said parish of Sainte-Geneviève, containing three arpents in front by thirty arpents in depth, the whole more or less, bounded in front by the river des Prairies, in rear by Jérémie Daoust, on one side, to the north-east, by François-Hyacinthe Brunet, Esquire, and on the other side by Jean-Baptiste Neveux, with a

house, farm and other buildings thereon erected", which immovable is now known and designated as number 195 of the official plan and book of reference made for registration purposes in the said parish; whereas the said immovable yields hardly any revenue to the said petitioner; and whereas it would be to the benefit of the said substitutes and of the said petitioner, to grant the latter the authorization prayed for by his petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The necessity of the sale of the said immovable is hereby admitted, and the sale of the said substituted property is authorized. Necessity of certain sale admitted.

2. Before proceeding to the said sale, there shall be appointed, in the usual manner, a curator to the said substitution, if such curator be not already appointed, and a tutor *ad hoc* to the substitutes who are born and are incapable, (who shall not be the institute) to protect the interests of the substitutes in the said sale. Curator to substitution to be appointed and tutor *ad hoc* to substitutes.

3. The said property shall be sold in the manner prescribed by article 299 of the Civil Code, and after experts have been appointed and after their report, which experts shall be appointed under article 1269 of the Code of Civil Procedure and shall determine the upset price. Manner of sale.

4. The said Tancredé Rodolphe Barbeau, with the consent of the curator to the substitution and of the said tutor *ad hoc*, may leave the proceeds of the sale of the said immovable or any portion thereof in the hands of the purchaser, with the security of the vendor's privilege (*bailleur de fonds*) and any other hypothecary security deemed sufficient by the curator and the tutor *ad hoc* aforesaid; or the said Tancredé Rodolphe Barbeau, the curator to the substitution and the said tutor *ad hoc*, may jointly collect the said moneys, give a valid acquittance therefor to the purchaser and employ them in purchasing immovable property of a corresponding value which may be used with advantage for the said institute and the said substitutes, on the report of experts appointed for that purpose in virtue of the said article 1269 of the Code of Civil Procedure, or they may invest the same in trust for the substitutes in public securities of the Dominion of Canada or of the Province of Quebec, as they may deem most advantageous. Application of proceeds.

2. Such re-investments of the moneys cannot, in any case, be effected except by judicial authorization on the advice of a family council; and until such formalities are accomplished. How re-investments to be made.

ed the purchaser shall retain in his hands the said purchase price.

Immovable
purchased as a
re-investment
to form part of
estate and be
subject to pro-
visions of will
&c., of late F.
Barbeau.

5. The immoveables purchased as a re-investment of the price of the lot of land above described shall be substituted therefor in the estate of the said late François Barbeau, and shall, in their place and stead, be subject to the provisions of the aforesaid will and codicil of the said late François Barbeau.

Property to be
insured
against fire
at expense of
substitute.

6. The property acquired as a re-investment of the said monies shall be always kept insured against fire for a sum as nearly as possible equal to the total amount of such monies, in the name of the said Tancred Rodolphe Barbeau and of the curator to the said substitution, under their joint responsibility, but at the expense of the said Tancred Rodolphe Barbeau alone.

Coming into
orce.

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

C A P . L X X X V .

An Act to define the powers of the executors of the will of the late George H. Frothingham, Esquire, and for other purposes connected therewith.

[Assented to 9th May, 1885.]

Preamble.

WHEREAS the late George H. Frothingham, Esquire, of Montreal, died there on the twentieth day of November, one thousand eight hundred and seventy-five, leaving a will, dated the eighteenth day of June, one thousand eight hundred and seventy, and two codicils, dated respectively the seventh day of April, one thousand eight hundred and seventy-four, and the seventh day of December, one thousand eight hundred and seventy four, executed before witnesses, which will and codicils having been duly proved, whereby he appointed his wife, Dame Louisa Davenport Hayward, and Henry Archbald, and John H. R. Molson, of Montreal, Esquires, the executors thereof ;

And whereas the said Dame Louisa Davenport Hayward died at Montreal on the thirteenth day of December, one thousand eight hundred and seventy-six ;

And whereas, since her death, the said surviving executors, Henry Archbald and John H. R. Molson, have executed deeds of sale of divers immoveables which belonged to the said testator ;