

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

Immoveable  
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 Tancrède Rodolphe Barbeau and of the curator to the said substitution, under their joint responsibility, but at the expense of the said Tancrède Rodolphe Barbeau alone.

Coming into  
force.

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 ;

And whereas doubts have recently been raised as to the seizin of the said surviving executors, since the death of said Mrs. Frothingham, of the said immoveables, and as to their power of sale thereof, and as to the duration and extent of their powers generally; and it is expedient to remove the said doubts, to declare valid the sales so made by the said executors, and to define the seizin and powers of the said executors; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows:

**1.** The seizin of all real estate which belonged to the said late George H. Frothingham has, notwithstanding the death of said Mrs. Frothingham, or anything in the said will and codicils, been and is vested in the said surviving executors thereof, Henry Archbald and John H. R. Molson, with full power of sale of the same, at such prices and on such terms, and in such manner, as to the said executors may seem proper. Certain real estate vested in executors.

**2.** All sales, heretofore made by the said surviving executors of certain of said immoveables, are hereby declared to have been and to be valid and to have conveyed to the purchasers all the title of the said George H. Frothingham and his succession. Sales confirmed.

**3.** Sales of real property made under the preceding clauses shall always be subject to the liability of the said executors to account in terms of the will and codicils to the beneficiaries thereunder for the purchase money, but the purchasers from said executors shall not be liable to see to the application of the same. Conditions of sales. Proviso.

**4.** Either of the said present executors, desiring to do so, may for sufficient cause, with the authorization of the Superior Court at Montreal, resign his office, after notice to all the beneficiaries under the said will and codicils, or their legal representatives, and to his co-executor; and if either of the said executors should resign or die, the remaining or surviving executor shall be vested with all the powers and rights of the said two executors hereunder. Executors may resign. Power of remaining executor.

**5.** In case of the resignation or death of one or both of the said executors, the Court may, upon application by any of the beneficiaries or the legal representatives of any of them, and after notice to the other beneficiaries, and to the surviving executor, if any, appoint a new executor or executors, who shall thereupon become, with the surviving executor, if any, seized of and vested with the said estate Appointment of other executors in case of resignation, &c.

and have all the powers and rights in respect thereof which are conferred on the present executors by the said will and codicils and by this act.

**6.** The provisions of the two last preceding sections shall apply to any future executors as well as to the present executors.

**7.** A copy of the nomination of a new executor and of the resignation of a retiring executor, shall be registered in the proper registration division with a notice designating the lands and property affected.

**8.** The said executors shall invest all capital sums received by them, and shall, on the twentieth day of November in each year, render an account, under oath, of all investments, and of all revenues received by them from the said estate, and shall pay over to the children of the said George H. Frothingham, or their legal representatives, their respective shares therein.

**9.** Notwithstanding anything in this act contained, any one or more of the children of the said George H. Frothingham, or their legal representatives, may, at any time, require the said executors to apportion and divide the residue of the said estate, it being the intention hereof, that none of the rights, which the said children may have, under the said will and codicil, of obtaining a partition of the said estate, shall be interfered with by the present act, while at the same time nothing herein shall confer on any of the said children, or their representatives, any rights other or greater than those which, under the said will and codicil, they now have.

**10.** In the event of a division of the estate being asked for, by any or more of the children, as herein above mentioned, then it shall be the duty of such executors to have curators appointed in due course of law to each of the said substitutions under the said will not then open; and the partition of the said estate will then be made by the said executors between the institutes and the substitutes then entitled with the consent of the said curators of the substitutions not then open.

The said executors shall make the transfer of shares to the persons then entitled thereto; in the case of substitutions not then open, the transfers shall be made to the institutes and curator jointly of each substitution.

The transfers of the shares may be made at different times, as required by the beneficiaries or by the executors;

as each share transferred, the duties and responsibilities of the executors, is under the will, codicil, and this act, shall cease, and their discharges as such shall be granted to them ; and they may require their discharge.

And the management of the capital and properties forming each share substituted will then devolve jointly upon the institute and curator of each share until the substitution in respect thereof shall open ; the institutes in each case in the meantime having sole control over the revenues of their shares. Management of property thereafter.

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

### C A P . L X X X V I .

An Act to authorize the Bar of the Province of Quebec to admit Henri Arsène Germain amongst its members, after examination.

*[Assented to 9th May, 1885.]*

**W**HEREAS Henri Arsène Germain, deputy-clerk of the Recorder's Court of the city of Montreal, has, by petition, set forth that he is 49 years of age ; that, after having gone through a regular and complete course of study in an incorporated college, he was admitted to the study of law on the 5th December, 1864 ; that on the 10th of the same month, he entered into an indenture to study law under the Honorable Mr. Trudel, Q. C., Senator, which indenture was on the same day registered according to law ; that he studied law during at least four years under the said Honorable Mr. Trudel, then under Mr. Girouard, Q. C. and M.P., and under Messrs. Cartier, Pominville and Bétournay, advocates, in virtue of two transfers of indenture dated the 12th April, 1865, and 17th June, 1867, respectively ; that he desires to be admitted to the Bar of the Province of Quebec, but that the said Messrs. Cartier, Pominville and Bétournay being all dead, it is now impossible for him, without their certificate, to establish, as required by law, the last eighteen months of his clerkship, and consequently the Bar cannot admit him amongst its members ; and whereas the said Henri-Arsène Germain has, by his said petition, prayed the Legislature to come to his relief, that the Bar of Montreal consents thereto, and it is expedient to grant the said prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: