

of the said lots of land and shall remain subject to the provisions contained in the aforesaid will and codicil of the said late Antoine Olivier Berthelot.

CAP. XCIII.

An Act to authorize Achille Leduc, the institute under the will of his mother, the late Dame Marguerite Bourgeois, to dispose of the substituted immovables.

[Assented to 10th June, 1884.]

WHEREAS Achille Leduc, *alias* Jean Antonio Achille Leduc, gentleman, residing in the parish of Bécancour in the county of Nicolet, has, by his petition, set forth that Dame Marguerite Bourgeois, wife of Sévère Leduc, esquire, merchant, residing in the parish of Bécancour, did, by her solemn will and testament, duly executed at Bécancour before two notaries, one of whom, Maître A. O. Desilets, has kept the original thereof, bearing date the second day of August, one thousand eight hundred and seventy, give and bequeath the residue of all and every her movable and immovable property, which she might leave at her death, to the said Achille Leduc, her son, issue of her marriage with the said Sévère Leduc, her husband, to enjoy the usufruct thereof during his life-time and as institute for the children which might be of him lawfully begotten, to which children, her future grand-children, she gave and bequeathed the ownership of the said residue of all her said movable and immovable property, instituting the said Achille Leduc her sole and only universal usufructuary legatee, and his said children her sole and only universal legatees as to ownership; and that if at the death of the said Achille Leduc there should be no children born or to be born of his lawful marriage, she ordered by the said will that in such case the said property should revert and belong, to be divided by roots, to the children of Victorine Leduc and Eugénie Leduc and Marie Leduc, the daughters of the said testatrix and of the said Sévère Leduc, her husband, and sisters of the said Achille Leduc; and whereas the said Achille Leduc has further represented that amongst the property of the succession of the said Marguerite Bourgeois, there are several lots of land, in the parish of Bécancour and in adjoining parishes, of a width varying from a half arpent to three arpents and of a depth varying from ten to thirty arpents, and which formed part of the community of property be- Preamble.

tween the said Marguerite Bourgeois and her said husband, and of which the said Achille Leduc and the substitutes have only one-half and which cannot be conveniently divided and the working whereof cannot be profitably accomplished by the said institute and substitutes, and that another portion of the said immovables consists in woodlands of which the said institute and substitutes only own one-half and which cannot be cultivated; which said immovables are amply designated in the inventory of the property of the said community, made and drawn up by Maître A. O. Desilets, notary, on the thirtieth March, 1880, and following days, and finally closed before the Court on the fifth day of May of the same year, 1880, and that all the said immovable property might, if he were authorized to do so, be sold to the great benefit of the institute and of the said substitutes, and the proceeds thereof be advantageously invested in bonds of the Dominion or of the Province; that Severe Leduc, father of the said institute, has been appointed curator to the substitution and has united with the said Achille Leduc in the prayer of the petition and binds himself to see to the investment of the monies arising from the sale of the said immovables for the benefit of the said substitutes;

Whereas, finally, it is also of great importance, in order to avoid considerable loss and damage to the said institute and substitutes that the said lots of land and properties be sold, and it is expedient to grant the prayer of the said petition;

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

Expediency of certain sale admitted and authorized.

1. The expediency of the sale of the said immoveable property is hereby admitted, and the sale of the said substituted property is hereby authorized.

Tutor *ad hoc* to be appointed before proceeding to sale.

2. Before proceeding to the said sale, a tutor *ad hoc*, who shall not be the institute, shall, for the purpose of watching over the interests of the institutes in the said sale, be appointed, in the usual manner, to the substitutes who are born and are not in the exercise of their rights.

Sale how to be effected.

3. The said property shall be sold in the manner required by article 299 of the Civil Code, and after the appointment of experts and their report, which experts shall be appointed under article 1269 of the Code of Civil Procedure, and shall establish the upset price.

Investment, &c., of monies therefrom.

4. The said Achille Leduc may, with the consent of the said Sévère Leduc and of the said tutor *ad hoc*, leave

the monies arising from the sale of the said property or any part thereof in the hands of the purchaser or purchasers with the security of the vendor's privilege, or he and the said curator and tutor *ad hoc* may jointly receive the said monies, invest them in the purchase of immoveable property of a corresponding value, which may be worked with advantage for the said institute and the said substitutes, or they may invest them in trust for the said substitutes, in bonds of the Dominion or of the Province of Quebec, as they may deem most beneficial; and the said institute and the said Severe Leduc shall be jointly and severally responsible towards the said substitutes for the expenditure of the said sum in the manner above provided.

5. And whereas the said institute has already effected certain sales of the said immoveable property, the said sales are hereby rendered valid and ratified upon condition that the said institute invest the monies arising therefrom in the manner above-mentioned.

Provided always that nothing in this section shall be interpreted as in any manner freeing the said institute and the said curator from any responsibility that they have incurred towards the said substitutes by reason of the said sales.

CAP. XCIV.

An Act to amend the act of this Province 44-45 Victoria, chapter 89, by substituting the name of David Lamontagne, of the parish of Ste. Marie, for that of François Gosselin, and for other purposes.

[Assented to 10th June, 1884.]

WHEREAS David Lamontagne, of the parish of Ste. Marie, yeoman, is now the sole owner of the bridge upon which tolls were authorized to be levied by the act of this Province 44-45 Victoria, chapter 89, and he has caused a considerable amount of work to be done thereon, in order to improve and repair the said bridge;

Whereas also certain clauses of the said act are susceptible of a two-fold interpretation;

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

1. The name of David Lamontagne, of the parish of Ste. Marie, is hereby substituted for that of François Gosselin,