

C A P. L X X V I.

An act to amend “ An act to amend the act incorporating the Windsor Hotel Company of Montreal.”

[*Assented to 23th December, 1876.*] (

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act passed in the present session intituled : “ An ^{40 V., c. 75,} act to amend the act incorporating the Windsor Hotel ^{s. 1, amended.} Company of Montreal,” is amended, by striking out the words “ at the same rate”, at the end of the third sentence of the first section.

2. This act shall come into force on the day of its Act in force. sanction.

C A P. L X X V I I.

An act to authorize the absolute sale of two immovable properties substituted by the will of the late Thomas Barron, and for other purposes.

[*Assented to 28th December, 1876.*]

WHEREAS by the last will made in due form of the Preamble, late Thomas Barron, in his life time, gentleman, of the village of Lachute, in the county of Argenteuil, district of Terrebonne, dated on the 21st February, 1862, the testator has, among other things, made the following provisions :

“ The property belonging to me in Lachute, comprehending the village of Lachute, bounded on the front by the North River, in the rear and south by the lot belonging to Doig, and partly by the seignior, on the east by the Fraser lot, and on the west by the seignior mill lots, I will and bequeath to my adopted son and heir Thomas Barron, jr., husband of Harriet Cushing, and the male heirs of his loins, on entail ; failing of male heirs of his body he will be at liberty to substitute his daughter Lizzy, should she live and marry, and her husband adopt the name of Barron, with a view that the name be perpetuated to each succeeding possessor of that property. The whole of the rents, issues and interest of that property

will belong to the possessor in this manner, with the right to cede village lots on *constitut*, but not to sell, alienate or transfer any part of said property otherwise than by *constitut* or yearly rent or lease.

"And I also will and desire that the lot number two in the sixth range of the township of Chatham, hereby bequeathed to the said Thomas Barron in like manner as above stated with a view to furnish firewood, etc., and to assist the person who will be *Laird* of the village property to live so far independently"; such latter lot being likewise substituted; whereas Thomas Barron, esquire, clerk of the circuit court, residing at the said village of Lachute, the legatee, has eight children of whom three are boys; whereas the said Thomas Barron, since the death of his adopted father, on the 21st of January 1864, has already conceded several lots of the said above first mentioned immovable; whereas it has been shown that it is in the interest of all parties concerned to continue to sell in village or building lots the said first mentioned immovable, which has for a long time been sub-divided for that purpose, as also to sell the second; whereas the late Thomas Barron created such substitution under the erroneous impression that he was the proprietor of the whole of the two aforesaid properties, while he was the proprietor of one half only, the other half belonging to his widow, who has ceded it to Thomas Barron, the legatee, by notarial deed to that effect, dated on the 12th of April 1864; whereas this substitution, being only partial, is a great obstacle to the sale which the parties interested might advantageously make, inasmuch as the persons who wish and seek to purchase such property do not desire to purchase property substituted fully and still less property partially substituted; whereas the said Thomas Barron is entitled to procure a *partage* or forced licitation of the said immovables one half whereof belongs to him, but for the purpose of avoiding great expense, and in the interest also of his children, it is advisable to permit him to make sales absolutely, as prayed for in his petition, while, however preserving the rights of the substitutes in their portion of the proceeds of such sales; whereas further the purchasers *à constitut* of lots sold and to be sold, may, under the law, always free themselves, by paying the capital into the hands of the institute, in accordance with article 948 of the civil code, but that it is expedient to remove all doubts on the part of purchasers who desire to free themselves; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sale authorized.

1. Thomas Barron and the curator appointed to the substitution created by the will of the late Thomas

Barron, duly authorized for that purpose, by the advice of a family council, duly homologated by the judge, are hereby authorized to sell and transfer absolutely, the said immovable properties in lots or otherwise, as well as to receive the purchase price of the lots already sold or conceded and forming part of the first mentioned immovable.

2. Thomas Barron and the curator appointed to the substitution created by the will of the late Thomas Barron, duly authorized for that purpose by the advice of a family council, as provided in the preceding section, shall apply one half of the funds arising from sales already made and those to be made, in the purchase of dominion, provincial or municipal debentures, or in investments on real estate. Application of funds.

3. This act is without prejudice to the rights of purchasers to pay only according to the terms of their deeds passed before the coming into force of this act. Rights preserved.

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

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

An act to authorize the sale of certain real estate substituted by the will of Guillaume Morin.

[Assented to 28th December, 1876.]

WHEREAS Guillaume Morin, farmer, in his lifetime of the parish of St. Arsène, in the county of Temiscouata, has, by his last will and testament, duly made and received on the 27th May 1862, before St. Jorre and another, notaries public, at Cacouna, and enregistered in the registry office of the county of Temiscouata, given and bequeathed all his estate, movable and immovable, to Moïse Morin, his brother, farmer, living with him, constituting him his universal legatee upon certain charges and conditions therein expressed; and whereas the said will, after having provided for the payment and delivery of certain legacies, contains a substitution in these terms:

“And to execute my said present will I nominate the person of the said Moïse Morin, my said universal legatee, to whom I transfer all my said property to his use and enjoyment under usufructuary title only, charged the said property with a substitution in favor of one or more of the children of my said universal legatee,