

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: Preamble.

“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,

and I authorize him to choose such child or children as are most worthy and deserving, and in default of posterity of my said legatee, I substitute my said property to the children of my said brother Joseph Morin. And finally also in default of posterity of this latter, I substitute such property to Guillaume Morin and to Louis Morin, sons of Jacques Morin, esquire, warden of the county of Temiscouata ; but on condition that all and each of the aforesaid substitutes shall keep my said property in the family by the same method of substitution, from generation to generation, as far as the degree by law allowed."

Whereas, by his petition, it is shown that the said universal legatee, institute affected with the substitution as aforesaid, cannot pay the debts of the estate without selling the whole or the greater part of the said property or exposing it to the risk of being sold by forced execution to his great loss and the loss of the substitutes ; and whereas it is in the interest of the said Moise Morin and the said children that the said real property, bequeathed as aforesaid, be voluntarily sold or exchanged for the payment of the debts aforesaid and for the fulfilment of the conditions of the said will and the greater advantage of the said substitutes, and that the proceeds arising from the sale or exchange be employed in accordance with the intentions of the testator ; and whereas the said Moise Morin has eight children of tender years ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enact as follows ;

Sale authorized.

1. The said Moise Morin, universal legatee and testamentary executor of the said late Guillaume Morin, after having been authorized therefor by a judge of the superior court, on the advice of relations and, in default thereof, of friends, and with the consent of the curator to be appointed to the substitution established by the said will, is authorized by this act to sell, transfer or exchange the real estate bequeathed by the said Guillaume Morin, situated in the county of Temiscouata, and to give a good and valid title therefor, in the same manner as the said Guillaume Morin could have done in his lifetime.

Application of funds.

2. The funds arising from the said sale, after payment of the debts and charges of the will, shall be placed by the said universal legatee in the manner in which the judge shall deem advisable and more advantageous for the legatee and the said substitutes, either in the purchase of immovable property, or by leaving the monies in the hands of the purchaser or purchasers, with interest, secured by the privilege of *baillieur de fonds*.

Act in force.

3. The present act shall take effect from the day of the sanction thereof.