

That the said sale was also made, with the consent of the parties interested, who were all of age, and in the interest of the family of the testator, and according to his intentions;

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

Certain deed of sale ratified and confirmed.

1. The deed of sale by the said Charlotte Odile Beaudet, widow of the late Louis Taché and her co-vendors, in favor of Cyrille Cardin, passed on the 1st of September, 1888, before Jos. C. Désautels, notary at St. Hyacinthe, and registered in the registry office for the county of Bagot on the 9th of October following, under No. 21,088, is hereby ratified and confirmed to all intents and purposes.

Coming into force.

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

C A P. C.

An Act to prolong the powers of the testamentary executors and administrators of the estate of the late Honorable Jean Louis Beaudry and for other purposes.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS Rouer Roy, Esquire, Queen's Counsel, Joseph Cyrille Auger, Esquire, Notary, and Hercule Beaudry, Esquire, gentleman, all of the city of Montreal, in their quality of testamentary executors and administrators of the estate of the late Honorable Jean Louis Beaudry, in his lifetime member of the Legislative Council of the Province of Quebec, have by their petition represented, that the said Mr. Beaudry, by his last will and testament passed before A. O. Brousseau and his colleague, notaries public, on the twenty-ninth day of December, one thousand eight hundred and eighty-one, among other provisions ordered that his debts should be paid out of the revenue of the property he should die possessed of, by his testamentary executors and administrators, and that after his debts were paid, each of his legatees named in his said will should enjoy the revenue from the property left to him, the proprietary rights to which said property should after their death belong to their children by root, and in the event of any one of his legatees dying without leaving children, then his share should devolve to his brother or sister mentioned in the will, that the revenue should be collected by the testamentary executors and

administrators, to wit: Guillaume Napoleon Leonidas Beaudry, Esquire, advocate, Rouer Roy, Esquire, advocate and Queen's counsel and Joseph Cyrille Auger, Esquire, notary, all of the city of Montreal, whose term of office as such testamentary executors and administrators should be for five years from the day of his death, that after paying his just debts, the said testamentary executors and administrators should divide the revenue of the property so bequeathed between his four legitimate children in equal shares, to wit: Dame Corinne Herminie Beaudry, wife of the said Rouer Roy, Guillaume Napoleon Leonidas Beaudry, Dame Leocadie Clorinthe *alias* Clorinde Beaudry, wife of the said Joseph Cyrille Auger and Dame Victorine Beaudry, wife of Lionel Gardiner, gentleman, of the city Chicago, in the United States of America, that, at the expiration of the said five years, the said heirs should enjoy their respective shares of the said property; that the testamentary executors and administrators should during their administration pay four hundred dollars per annum to each of the heirs, until the debts should be paid off; that Dame Marie Malvina Vallée Beaudry, wife of Mr. Edmond Starnes, of the city of Montreal, and legitimate child of the said testator, should receive a life rent of twelve hundred dollars per annum to be paid by the testamentary executors and administrators from the date of the death of the testator;

Whereas, by a codicil to his last will passed before A. O. Brousseau, and colleague, at the city of Montreal, on the fourteenth day of September, one thousand eight hundred and eighty-five, the said testator did modify his said will and ordered that the said Dame Starnes should receive only four hundred dollars per annum, until the final and complete liquidation of the debts, and declared that having erected a block of six houses of stone and brick on Dorchester street, in the city of Montreal, he was desirous of bequeathing them to each of his heirs to be by them enjoyed under the terms and conditions of his will, and further made his nephew Mr. Hercule Beaudry, of the city of Montreal, an executor and administrator, to act with those already appointed by his will;

Whereas, at the time his said will was made, the debts were very small, and therefore the testator's intention was that his legatees should shortly enjoy the revenue of their respective immoveables, but at the time of his death, which took place on the twenty-fifth day of June, one thousand eight hundred and eighty-six, his debts had amounted to over fifty thousand dollars, owing to the building of houses on Dorchester Street, without including an amount of twelve thousand dollars, which he the testator refused to acknowledge, but for which a judgment

was rendered after his death in favor of the estate of the late Joseph Beaudry, in his life-time merchant of Montreal, to wit, on the fourteenth of March one thousand eight hundred and eighty-eight ; that, under the circumstances and without any express provision in the codicil (omission which can be but considered accidental), the aforesaid heirs and legatees although called to inherit a wealthy estate, would, without the intervention of the Legislature, only derive any benefit therefrom at a very distant date and would therefore be virtually disinherited for an indefinite time, contrary to the desire and intention of the said testator ;

Whereas the death of Guillaume Napoleon Leonidas Beaudry, one of the testamentary executors and administrators occurred on the seventeenth day of August one thousand eight hundred and eighty-seven, and thereby his share devolved to his co-legatees ;

Whereas, it is absolutely impossible for the said testamentary executors and administrators to comply with the provisions of the said will, within the five years specified.

Whereas it is expedient to grant the conclusions of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Powers of executors extended beyond time fixed in will.

1. The powers conferred upon the said testamentary executors and administrators by the said will are extended and prolonged beyond the period therein fixed, and shall be by them, or those replacing them, exercised as hereinafter provided, until the final payment of the debts of the said estate.

How executors &c., may be replaced.

2. In the case of the death, absence or inability to act of any one or more of the said testamentary executors and administrators, it shall be lawful for those or the one remaining in charge to have such vacancy filled, upon a petition to a judge in chambers and upon the advice of a family council duly called.

Payment of current expenses, &c., out of annual revenues.

3. The said testamentary executors and administrators shall retain, out of the annual revenue of the said estate, a sum sufficient to provide for current expenses, for the payment of specific legacies, for costs of administration, insurances, repairs, taxes or assessments, for interest on the said debts, and for the execution of the other obligations of the said estate. they shall furthermore annually pay unto the creditors of the said estate an amount equal to five per cent on the capital due them, but on the

Payment to creditors.

express condition that the said creditors consent thereto and

As to the balance of the revenue it shall be equally divided among and paid by the testamentary executors to the said legatees to wit : Mesdames Roy, Auger and Gardiner, according to the proportion to their shares in the immoveables to each granted by the said will and codicil and according to the valuation made of the said immoveables by the assessors of the city of Montreal, as shown on the valuation roll by them made for the year 1888-89 ; an equality shall be maintained between Mrs. Roy and Mrs. Auger notwithstanding the slight difference in value of their respective properties.

Annual division of balance between legatees.

4. The said portion of the surplus annual revenue of the said estate shall then be granted from the first day of May next to each of the said legatees in lieu and place of the annual rent of four hundred dollars allowed them by the said will and codicil.

Surplus annual revenue paid to legatees to be instead of rent allowed them by will.

5. The rent and annual and life pension of twelve hundred dollars, bequeathed to the said Marie Malvina Beaudry, wife of Edmond Starnes, shall be paid her in monthly instalments of one hundred dollars each, beginning from the twenty-fifth of June, one thousand eight hundred and eighty eight, with the exception of any amount received by her after the said date upon the said rent, and continuing until her death and after that, it shall be paid to her children during one year according to the provisions of the said will.

How annual sum to be paid to Mrs. Starnes.

The said Dame Starnes, shall have the full possession enjoyment and usufruct, from the first of May next, of the following immoveables described in the said codicil as bequeathed to her in usufruct and enjoyment during her life time and the proprietary right to her children, to wit : " the north-east half of a lot of land situate in the East ward of the city of Montreal, known and designated under number one hundred and forty-two (142), on the official plan and book of reference of the said East ward of the city of Montreal, with the house and other dependencies thereon constructed ; " the said annual rent shall be paid to the said Dame Starnes, in lieu and place of the rent of four hundred dollars granted her by the said codicil

Certain property to be vested in Mrs. Starnes absolutely.

6. After all the debts of the estate shall have been acquitted and paid, the said legatees shall enter into the enjoyment of their respective immoveable properties free and clear of all obligations whatsoever, save and except

After payment of debts, legatees to come into full possession, subject to certain charges.

as regards a rent of one hundred dollars per annum created by the said will in favor of Miss Marguerite Beaudry, a rent due to dame widow Jean Louis Beaudry, under her marriage contract, and the rent due Mrs. Starnes as aforesaid which shall be charged to Mrs. Roy and Mrs. Auger and the representatives of the late Guillaume Napoleon Leonidas Beaudry.

Property may be sold to expedite winding up of estate.

7. With a view of hastening the payment of the debts and of encouraging a settlement of the said estate, it shall be lawful for the said testamentary executors and administrators to dispose of, by sale or otherwise, upon advice of a family council, all or any of the said immoveables bequeathed by the said testator to his son the late William Napel on Leonidas Beaudry; but in such case it shall be the duty of the said testamentary executors and administrators to use the proceeds of such sales, either in paying off debts or in improving the immoveables of the said estate.

Coming into force.

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

C A P. C I.

An Act to appoint a trustee to the estate of the late Horace Dryden Clark.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS the petition of Horace Clark of West Suffield, in the State of Connecticut, one of the United States of America, in his capacity as guardian duly appointed to the minor children of his father, the late Horace Dryden Clark, in his lifetime of Smyrna, in the State of Delaware, one of the United States of America, represents :

That his said father, Horace Dryden Clark, died at said city of Smyrna, on the 21st March, 1887, leaving a last will and testament made before witnesses at the city of Smyrna, on the 17th April, 1886, and duly probated before the register for Kent county, in said State of Delaware, on the 5th April, 1887, and also duly proved and deposited in the office of the prothonotary of the Superior Court for Lower Canada, at Montreal, Province of Quebec, on the 24th December, 1887, by order of one of the Honorable Judges of said court ;