

full for his services as such trustee, said sum to be payable in quarterly instalments, one third from the share of each of said legatees in the rents, issues and profits of said real estate.

12. The said trustee shall insure said real estate against fire, in his name as trustee, and the loss, if any, shall be payable to said trustee; and, in the event of a loss by fire, the said trustee shall apply the insurance money received for the same to restoring the part of the said real estate damaged or destroyed:—unless in case of total loss by fire of either house, he deems it advisable to invest the said money otherwise, in which case he may apply by petition to a judge as provided in the next following section.

Property to be insured against fire by trustee.

Application of insurance money in event of loss.

13. Whenever any doubts arise as to the extent of the powers of said trustee, with reference to any particular act or acts, whether of reinvestment or otherwise, which he may consider it advisable to perform in the interest of those for whom he is administering said estate, the said trustee, may, by petition to a judge of said Superior Court, after due notice to all parties interested, obtain from said judge such order thereon as the judge may deem it advisable, in the interest of the *cestui que* trust, to grant, and such order shall be a sufficient authority for the said act: provided always that said trustee shall in no case alienate any part of said real estate, and that such order shall not be contrary to, or inconsistent with the terms of the said will and the provisions of this act.

Power of trustee to apply by petition to judge when in doubt as to his powers.

Decision of judge to be sufficient authority. Trustee not to alienate real estate.

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

Coming into force.

CAP. CII.

An act to authorize the sale of certain properties belonging to the Estate of the late Honorable Elzear Henri Juchereau Duchesnay.

[Assented to 21st March, 1889.]

WHEREAS Maurice Juchereau Duchesnay, notary, heretofore of the parish of Ste. Marie de la Beauce, and now belonging to the North-West Mounted Police, and Edmond Juchereau Duchesnay, Civil Engineer, residing at Chapleau, in the County of Algoma, in the Province of Ontario, personally, as well as in their quality of institutes under the will of the late Miss Agnès Adèle

Preamble.

Juchereau Duchesnay, Dame Caroline Tetu of the city of Montreal, widow of the late Henri Juchereau Duchesnay, in his lifetime, advocate, of the parish of Ste-Marie de la Beauce, in the district of Beauce, personally, as well as in her quality of tutrix duly appointed in law to her minor children issue of her marriage with her late husband, the said children being heirs of their father in his share of the estate of the late Honorable Elzéar Henri Juchereau Duchesnay, as hereafter stated and as substitutes to the said estate, Marie Louise Juchereau Duchesnay, wife of Honoré Julien Jean Baptiste Chouinard of the city of Quebec, advocate, and member of the House of Commons for the County of Dorchester, and from him separated as to property by marriage contract, and by him duly authorized, she acting in her own name personally and as an institute of the said estate, the Honorable Charles Alphonse Pantaléon Pelletier, advocate, of the city of Quebec, and Senator for the electoral Division of Grandville, in his quality of tutor duly appointed in law to Edmond de Sales Laterrière, minor child, issue of the late Marie Sophie Corinne Juchereau Duchesnay, with the late Edmond de Sales Laterrière, in his lifetime, physician, of the parish of Les Eboulements in the district of Saguenay, have by their petition represented :

That the late Honorable Elzéar Henri Juchereau Duchesnay, in his lifetime, one of the Senators of Canada, residing in the parish of Ste. Marie de la Beauce, in the district of Beauce, departed this life on the twelfth day of May, 1871 ; that by his holograph will, made at Ste. Marie de la Beauce on the third November, 1870, duly proved, verified and registered in the office of the prothonotary of the Superior Court, in the district of Beauce, on the twelfth day of June, 1871, and registered in the registry office of the county of Beauce on the nineteenth day of June in same year, he did give and bequeath the enjoyment and usufruct of all his estate both moveable and immoveable to Susanne Elizabeth Taschereau, his wife, and the proprietary rights therein to his children ;

That the said Suzanne Elizabeth Taschereau, departed this life on the tenth day of March last, (1838) at the city of Quebec ;

That the said Honorable Elzéar Henri Juchereau Duchesnay, when he died, left six children issue of his marriage with his said wife, each being heir to one undivided sixth [*par indivis*] in his said estate in virtue of his said will, to wit : The late Henri-Jules Juchereau Duchesnay, the said Maurice Juchereau Duchesnay, Edmond Juchereau Duchesnay, the late Marie Sophie Corinne Juchereau Duchesnay, the late Agnès Adèle

Juchereau Duchesnay, and the said Marie Louise Juchereau Duchesnay ;

That the said Marie Sophie Corinne Juchereau Duchesnay departed this life, on the sixth December, 1875, intestate, in the said parish of Les Eboulements, leaving one heir to wit : the said Edmond de Sales Laterrière, her minor son, and representing his said mother for one undivided sixth in the estate of the said late Honorable Elzéar Henri Juchereau Duchesnay ;

That the said Agnès Adèle Juchereau Duchesnay departed this life on the fifteenth day of April, 1887, and by her will, made in authentic form before Joseph Elzéar Cyrille Pelletier, and his colleague, notaries, at the city of Quebec, in the district of Quebec, on the thirteenth day of April, 1886, and duly registered, after making certain bequests, did bequeath all her other estate, both immoveables and movables to wit : those coming to her from the estate of the late Honorable Elzéar Henri Juchereau Duchesnay, her father, and being the one undivided sixth of the said estate, to her three brothers the late Henri Jules Juchereau Duchesnay, the said Maurice and Edmond Juchereau Duchesnay, and to her sister Marie Louise Juchereau Duchesnay, to be shared equally between them share and share alike, to be by them enjoyed as universal legatees in usufruct from the day of her death, desiring however, that should any of the said universal legatees die without leaving children, his or her share should revert to the remaining universal legatees having children until the usufruct shall have come to an end, at which date the said estate should be divided between her nieces and nephews by roots ;

That the said Henri Jules Juchereau Duchesnay departed this life on the sixth day of July, 1887, leaving children called to the aforesaid substitution, created by the will of the late Agnes Adèle Juchereau Duchesnay—and that by his holograph will, made at Ste Marie de la Beauce, on the twenty-first day of January, 1874, duly proved, verified and registered in the office of the prothonotary of the Superior Court, for the district of Beauce, on the nineteenth day of July, 1887, and duly registered, he did bequeath the usufruct of all his estate, both moveables and immoveables, including those coming from the estate of the late honorable Elzéar Henri Juchereau Duchesnay, his father, and consisting of the one undivided sixth of the said estate, to his widow the said Caroline Têtu, and the proprietary rights in all his estate to his children issue of his marriage with the said Caroline Têtu ;

That all the immoveables coming from the estates of the late Honorable Elzear Henri Juchereau Duchesnay, the late Marie Sophie Corrinne Juchereau Duchesnay, of the late Agnès Adèle Juchereau Duchesnay, and of the late Henri Jules Juchereau Duchesnay are undivided and held *par indivis* ;

That the costs of maintenance, repairs and administration of the said immoveables are considerable, and it would be greatly to the advantage of the interested parties, to have them sold in the condition they now are, free from all charges ;

That all the properties above mentioned cannot be divided amongst the said heirs nor managed or administered advantageously and are profitable neither to the heirs nor the substitutes in the case of the substitution, to wit : the undivided sixth of the estate of the late Agnes Adèle Juchereau Duchesnay ;

That the substituted property is but a small portion of the immoveable property of the estate of the late Elzear Henri Juchereau Duchesnay, and that it would be a very heavy charge to have to appoint a curator to the said substitution ;

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

Sale of certain property authorized.

1. The said Maurice Juchereau Duchesnay and Edmond Juchereau Duchesnay, personally, as well as in their quality of institutes under the will of the late Agnes Adèle Juchereau Duchesnay, the said Caroline Têtu, widow of the late Henri Jules Juchereau Duchesnay, personally, and in her quality of tutrix duly appointed in law to her said minor children issue of her marriage with her said husband, the said Marie Louise Juchereau Duchesnay, wife, separated as to property by marriage contract, of the said Honoré Julien Jean Baptiste Chouinard and duly authorized by him, and the Honorable Charles Alphonse Pantaléon Pelletier, in his said quality of tutor to the minor child issue of the marriage of the said late Marie Sophie Corrinne Juchereau Duchesnay with the said late Edmond de Sales Laterriere, or any other tutor that may be appointed in his place and in place of Dame Caroline Têtu are hereby authorized and empowered jointly to alienate, hypothecate, transfer and sell the following immoveables, to wit :

Lot number 2651 of the cadastre of St Louis Ward in the city of Quebec ; lots numbers 609, 612, 614, 621, 622, 659, 661, 663 and 67 and part of number 66, described and bounded as follows : “ A lot containing two arpents in front by “ seven arpents and four perches in depth, situate in the

“ said parish of Ste. Marie de la Beauce, the said lot forming
 “ the South East part of the said lot 66, bounded to the
 “ North East by the river Chaudière, in rear to the South
 “ West by the high road, on one side to the North West by
 “ the remainder of the said lot No. 66 and to the South East
 “ by lot No. 67,” of the cadastre of the parish of the Ste
 Marie de la Beauce; the seigniorial constituted rents
 of that portion of the Seigniorly of Ste. Marie which
 is situated in the said parish of Ste. Marie de la Beauce
 and included within the following boundaries - in front
 to the South West by the river Chaudière, in rear to the
 North East by the township of Frampton, on the North
 West side, to wit: in the first range, from number 358 and
 359 of the said cadastre including a part of these said
 numbers, in the second range, from number 364 including
 part of the said number, in the third range, from number
 957 inclusively, in the fourth range, from number 1037 in-
 clusively, in the fifth range, from number 1112 inclusively
 as far as the line of division between the parish of Ste.
 Marie de la Beauce and St. Joseph de la Beauce; or to act
 as regards the respective interests of the said minors and
 of the said substitution created by the will of the said
 late Agnes Adele Juchereau Duchesnay, whether
 these interests affect the moveable or immoveable
 property or capital; and jointly to give acquittance and
 to pay the debts of the said estates, upon the authoriza-
 tion of a judge of the Superior Court in chambers, and
 without having to fulfill any other formality or having to
 comply with the provisions of law which require the
 calling of a family council and the obtaining of special au-
 thorization in matters relating to the alienation of pro-
 perty or concerning minors or substitutions.

2. Should the said substitution open whilst some of the substitutes are still minors their tutors shall have the same powers. Tutors in certain event to have power of sale.

3. The purchasers or assignees of the property or rights of the above-mentioned estates shall not be bound to see to the lawful investment of the proceeds of any transaction concluded by them with the persons named in the two preceding sections. Purchasers, &c., not bound to see to investment of moneys.

4. The present act shall come into force on the day of its sanction. Coming into force.