

Possession of property substituted how to be obtained.

V. The occurrence of the event upon which, by disposition *causd mortis* the opening of the rights of the tenant in substitution is to depend, shall not have the effect of investing him *pleno jure* with the legal *seizin* or possession of the property substituted, but he must first obtain a judgment to that effect in the manner hereinafter prescribed.

Tutor to substitution to be appointed.

VI. Within one month from the occurrence of the event which shall have rendered available the rights of the tenant in substitution, he shall cause a tutor to the substitution to be appointed, and such tutorship shall be subject to the following conditions:

Petition to be presented by tenant in substitution praying for meeting of relations and friends.

A petition shall be presented by the tenant in substitution to one of the Circuit Judges, or to one of the Judges of the Superior Court for the District in which the property is situated, and if the property is situate in two or more Districts, to one of the Judges whose jurisdiction shall include the most considerable part of such property, praying him to call a meeting of the seven nearest relations of the first substitutes, if they are born at the time, or of their fathers and mothers if they are yet unborn, or, in default of relations residing in Lower Canada, of a similar number of the friends of the first substitutes; the said relations or friends shall be summoned by an order of the Judge to that effect, and proof of such summons must be made by the return of a Bailiff of the Superior Court.

Proof of summons of relations.—Proceedings in case of deficiency of relations.

VII. Upon the day appointed for holding the meeting of the relations or friends, before proceeding to the appointment of a tutor the Judge shall require proof of the fact that the nearest relations and friends have been summoned, and such proof shall be made in the manner he shall deem most expedient; and if seven relations have been summoned and a less number shall be present, it shall not be lawful to supply the deficiency by strangers, but the holding of the meeting shall be postponed to a subsequent day, so that if the requisite number of relations have been summoned, the appointment of a tutor can only take place after the Judge shall have received their advice, excepting in the case of reasonable hindrances; and the advice of the relations summoned, in less number than seven shall be required in the same manner.

Proceedings at meeting of relations.

VIII. If less than seven relations shall have been summoned, and the said number shall have been completed by the calling in of strangers, or if the meeting have been composed exclusively of strangers, the Judge shall require proof to be made that the parties taking under substitution have less than seven relations or that they have no relations whatever in Lower Canada, and such proof having been received and deemed sufficient, he shall proceed to receive the advice of the meeting, in the manner usual at meetings for the appointment of tutors to the person or property, and he shall be invested with all the powers conferred upon Judges in like cases, and he shall, saving the exceptions hereinafter mentioned, give preference in his selection as far as possible, to those designated by the law, to serve as ordinary tutors.

Who may be appointed tutor.

IX. No Tenant in substitution shall be tutor, but relations in the ascending or collateral lines of the parties who are to take under the substitution, if they have no interest contrary to those of the parties who are to take under the substitution, shall have the preference if they offer proper conditions, subject to this restriction however; that if the father or other paternal relation in the ascending line be a tenant in substitution,