

An Act to amend the Laws relating to Substitutions in Lower Canada.

WHEREAS it is expedient to amend the Laws relating to Substitutions in Lower Canada: Therefore Her Majesty, &c., enacts as follows: Preamble.

- 5 I. Hereafter any *fidei commissary* substitution which shall be created either by contract of marriage, deed *inter vivos* or by dispositions *causá mortis*, in whatever terms it may be expressed, shall only extend one degree beyond the donee, instituted heir, or other party appointed to take in the first instance the property of the donor or testator; any disposition creating several degrees of persons substituted one to the other in contravention of this Act, shall be restricted to one degree only and void as to the rest; so that the mutation which shall be operated in favor of the party first substituted shall confer upon such party the absolute property of the estate subject to the substitution, free from any obligation to preserve it and to return it to any persons appointed to take after such party. Substitutions created by contract of marriage, &c., to extend only one degree beyond the donee.
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II. Dispositions containing several degrees of substitution created by deeds *inter vivos* or *causá mortis*, executed before this Act shall come into force, but which shall not at that time have taken any effect, shall be restricted to one degree, as provided by the foregoing section. Restriction to one degree in certain cases.

- 20 III. The restriction above mentioned to one degree, of any *fidei commissary* substitution, shall also apply, in the manner following, to substitutions created before this Act shall come into force, and which shall have begun to take effect; if, when this Act shall come into force, the donee, instituted heir and other tenants in substitution, shall have taken the property substituted, or, if their rights are open, the mutation which shall take place in favor of the parties next taking under the substitution, shall make void any subsequent substitution, and shall confer upon them the absolute ownership of the property substituted; if the substitution has taken effect, and the parties taking first under it are in possession, or if their rights are open, every further substitution shall be void, and they shall be in law freed from any subsequent substitution; provided, however, that in the two cases referred to in this section, the substitutes in the second degree be neither born nor conceived, otherwise the substitution shall have full force and effect. How the above restriction shall apply to substitutions created before this Act.
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- 35 IV. Reciprocal *fidei commissaria*, by virtue of which one or more Institutes (*Institués*) are substituted one to the other, subject to the condition of making over the property substituted to third parties, shall only be held to extend one degree for all the purposes of this Act, and shall receive their complete execution. How reciprocal *fidei commissaria* are to be construed.