

or both of the said properties;—or both the said properties, and with the proceeds thereof to buy another property or properties with or without buildings, and if without buildings to build thereon: and the said new property or properties, and the rents, issues, interests, revenues and profits thereof to be subject to the aforesaid last will and testament. 5

Assembly of relations and friends and election of a tutor.

And to carry out the aforesaid purposes, a Petition shall be presented by the Tenant in possession, to one of the Judges of the Superior Court in the District of Montreal, who is hereby appointed to act in the premises, and hereby fully authorized for all and every the effects, intents and purposes hereof, praying him to call a meeting of the seven nearest relations of the substitutes born at and living at the time; or in default of relations or their failing to attend, of a similar number of the friends of the substitutes; the said relations or friends shall be summoned by an order of the Judge to that effect to meet at some particular place and time, and proof of such summons must be made by the return of a Bailiff of the Court in which the said Judge holds his seat, or of a Notary Public. 10 15

Election of tutor.

Upon the day appointed for holding the meeting of the relations or friends of the substitutes, if the seven relations or friends so summoned shall not attend and be present, it shall be and hereby is made lawful to supply the deficiency by calling in strangers; such strangers to be subject to be approval of or rejection by the said Judge; and when and after the number is completed, the Judge shall proceed to receive the advice of the meeting in the manner usual at meetings for the appointment of Tutors; and the said Judge is hereby invested with power sufficient to appoint Tutor on behalf of and to act for the substitutes, and the said Judge shall be guided by the law for the ordinary appointment of Tutors. The Tenant in possession, being the father, may be Tutor if recommended by the said *assemblée de parents*. 20 25

Responsibility of tutor, &c.

The Tutor so appointed shall be responsible for his management, and for any acts prejudicial to the substitutes, or any acts of negligence; and from the day of his acceptance of the Tutorship, a legal hypothec, special and general, shall exist upon his property; and in case of any refusal to accept such appointment of Tutor, or to act after acceptance thereof,—the Tenant in possession is hereby named Tutor instead, without form and with all the powers. 30 35

Tenant in possession may be tutor &c.

Registration.

Within ten days of the appointment of a Tutor, as in either case provided as aforesaid, the same shall be registered.

What the judge must determine.

The Judge's decision shall set forth:

- 1st. The extent and designation of the real estate to be alienated, exchanged, hypothecated or sold. 40
- 2nd. The minimum price for which it may be so alienated, sold and hypothecated.
- 3rd. The description of the improvements, and the maximum sum to be paid therefor.
- 4th. The length of time to be advertised, and in what newspapers. 45