

XXV. In the case of substitutions created before the passing of this Act, the rights in respect of which shall have become open by the occurrence of the event mentioned in the disposition, if the tenant in substitution is seized of the property substituted, he shall not be bound to obtain the judgment of the Court referred to in the foregoing sections, and his possession shall be deemed legal; but in the contrary case and if no tutor to the substitution shall have been appointed or no inventory made, he shall observe all the formalities required by sections 5, 6, 7, 12, 13 and 14, with respect to the tutorship, inventory of the property substituted, and his being put into possession by authority of justice.

Substitutions created before the passing of this Act.

XXVI. In the case of substitutions of more than one degree created before the passing of this Act, the first degree of which shall have taken effect at the time this Act shall come into force, but which are extended to a remoter degree by virtue of section three of this Act, the party having first taken under the substitution shall be assimilated in every respect to tenants in substitution, and shall observe the formalities in respect of the tutorship, the inventory and the putting into possession, as in the cases provided for by the foregoing section.

Substitutions to more than one degree created before the passing of this Act.

XXVII. Property substituted, whether it be in possession of the tenants in substitution or of the parties taking in the first degree under substitution, in cases in which the substitution ought, in accordance with this Act to receive its effect beyond one degree, may be partially alienated and hypothecated to provide for the repair and improvement of the remainder, and to provide means of subsistence for the tenant in substitution or parties taking under the first degree of substitution, in the cases hereinafter mentioned.

Property substituted may be partially alienated for repairs, &c.

XXVIII. If by reason of the nature, position or extent of the property substituted or of any particular circumstances connected therewith, it does not produce a revenue proportioned to its value, and such revenue might be increased by the erection of buildings thereon or by improving and repairing such property, it shall be lawful for the tenant in substitution or parties taking under substitution, as the case may be, to obtain authority to alienate it, upon petition presented to the Superior Court for the District in which the most considerable portion of the property is situate; and the same proceedings shall be had in case the revenues produced by the property are insufficient to furnish the means of subsistence for such parties.

Proceedings in order to such alienation.

XXIX. The said petition shall be in every respect assimilated to an ordinary suit or action, and shall be proceeded with according to the forms and with the delays usual in ordinary matters, notice of the petition shall be given to the tutor to the substitution, and to the parties to take under the substitution if they are of age, and if not, then to the tutor appointed to their persons and property, if any they have, such notice being given during the usual period.

Form of petition and proceedings thereupon.

XXX. The petition shall set forth the reasons for which the alienation by sale or the hypothec is sought; the nature of the improvements to be made, the estimated cost of such improvements, the total value of the property substituted, and more particularly of the hereditaments sought to be alienated, and the amount required for the alimentary allowance, and proceedings thereupon shall be had after hearing the parties or by default, as the case may be.

Allegations of petition.