

the preference in respect to selection shall be given to the maternal relations, and if the mother be a tenant in substitution, then to the paternal relations.

5 X. If the parties to take under the substitution have no known relations, the Judge shall appoint as tutor the person whom he shall consider most suitable; Provided that the discretionary powers of the Judges, and the rules in force in relation to ordinary tutorships, shall, as far as possible apply to tutorships under this Act.

In case the parties have no known relations.

10 XI. The tutor shall be responsible for the management and acts of the tenant in substitution, which might be prejudicial to the parties who are to take under the substitution, if he shall have improperly participated therein by his acts, negligence or omissions; and from the day of his acceptance under oath of the tutorship, a legal hypothec shall exist upon his property.

Responsibilities of Tutor.

15 XII. Within ten days from the acceptance of the tutorship, the tenant in substitution shall cause it to be registered in the Registry Office for the County within the limits of which the property of the tutor is situate.

Appointment to be registered.

20 XIII. Within sixty days from the registration of the tutorship the tenant in substitution shall cause an inventory to be made of the property substituted, and he shall cause the tutor to the substitution to see the said inventory made.

Inventory of property substituted, to be made.

25 XIV. After the closing of the inventory, but within a period of three months and forty days, to be computed from the opening of the rights of the tenant in substitution, he shall notify the tutor that on the first day of the holding of the Superior Court, sitting for the District in which the property is situated, he will present a petition praying for an order of the Court to declare him seized of the substituted property; on the said day the petition shall be presented, and summary judgment shall be given thereupon, according to the forms and subject to the delays to be fixed by the Judges; but no judgment shall be given, whether the said petition be contested or not, unless it be satisfactorily proved that the formalities above prescribed have been observed.

Duty of tenant in substitution upon closing of inventory.

35 XV. If the tenant in substitution shall, within the period of three months and forty days, observe the formalities prescribed, it shall be declared by the judgment that he is entitled to the profits of the property from the date of the occurrence of the event on which the opening of his rights depended, to the rendering of the judgment, if not, and if he shall have allowed any useless delay to occur without any reasonable cause, he shall only be entitled to the enjoyment of the said profits from the date of the judgment, and he shall be accountable for the profits to the parties who are to take under the substitution.

Judgment upon such petition.

45 XVI. The rights of the tenant in substitution shall only be open in law, from the date of the said judgment, which shall be enregistered at his diligence and that of the tutor, in the Registry offices for the Counties within the limits of which the property substituted lies, and the free property of the tenant in substitution are situate, in order to the preservation of the rights of hypothec and the privileges of the parties who are to take under the substitution.

Rights of tenant in substitution to be open from date of judgment.