

hereby relinquishes in their favour all his rights, claims and authority as the father of the said child.

2. (a) The said adopting parties shall have the same rights and authority over the said child, and shall be held to the same duties towards her, as if she was their lawful child.

(b) In construing the provisions of any wills, contracts or settlements heretofore executed in which the lawful child or children of the said adopting parties are mentioned as beneficiaries or otherwise, the said child shall not be deemed to be a child of the said Jules Napoléon Hamel and Berthe Alphonsine Eugénie Boyer, his wife, unless she is mentioned therein by name.

3. The adopting parties undertake at their own expense to give the said child a thoroughly good education suitable to their own rank in life, and at all times during her infancy properly to maintain her, and furnish her with all things necessary and suitable for a person of her age in such rank as aforesaid.

In witness whereof the said parties have hereunto set their hands and seals.

Signed, sealed and delivered in presence of

CHAP. 149

An Act to amend the act 38 Victoria, chapter 94, respecting the estate of the late Stanley C. Bagg

[Assented to 29th May, 1909]

Preamble.

WHEREAS Dame Catherine Mitcheson, of the city and district of Montreal, widow of the late Stanley Clark Bagg, in his lifetime of the said city and district, gentleman, and Robert Stanley Bagg, Esquire, advocate, of the said city and district, have, by their petition, represented :

That the said Dame Catherine Mitcheson and the said Robert Stanley Bagg are the sole surviving executors of the said late S. C. Bagg ;

That the said Dame Catherine Mitcheson is, under the terms of the said will, the universal usufructuary legatee of all the property, moveable and immoveable, constituting the said succession and estate ;

That the said Robert Stanley Bagg was on the 12th day of August, 1894, duly named by the Superior Court for the district of Montreal, curator to the substitution created under the terms of the said last will of the said S. C. Bagg ;

That in the year 1875, an act of the Legislature of the Province of Quebec known as 38 Victoria, chapter 94, was passed defining the powers of the executors of the said estate ;

That since the death of the said S. C. Bagg in 1873, and the passing of the said act in 1875, the conditions of the property of the said estate have greatly altered ;

That the proceedings required by the said act 38 Victoria, chapter 94, to secure authority for the executors to sell and otherwise dispose of the property comprised in the said estate have been found cumbersome and expensive, and it is in the best interests of the said estate to amend the said act and to provide a more expeditious and less costly method of disposing of the properties, moveable and immoveable, of the said estate ;

Whereas the petitioners have established the allegations of their petition, and it is expedient to grant their prayer ;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

1. Section 1 of the act 38 Victoria, chapter 94, is replaced 38 V., c. 94, s. 1, replaced.
by the following :

“ 1. The executors of Stanley C. Bagg, Esquire, deceased, or a majority of them, or whosoever may be legally authorized to carry out the last will and testament of the said Stanley Clark Bagg, Esquire, with the assistance of the curator appointed to the substitution created by the will of the said Stanley C. Bagg, Esquire, who shall not be one of the executors, are hereby fully authorized and empowered to sell, assign or exchange, and with good and sufficient assurances in the law, to sell, and convey, from time to time, as occasion may require, so much and such parts of the real estate and immoveable property of the testator, or of the real estate and immoveable property or properties, which may be purchased with the proceeds thereof if sold, as may now be, and as may hereafter become dilapidated, going to decay, deteriorating in value, or expensive or unproductive to the estate ; and in the discretion of said executors, or of a majority of them, or of whoever may be legally authorized to carry out the said will, and to represent said estate, with the assistance of the said curator hereinabove mentioned, to sell, assign, exchange and convey any other property, moveable and immoveable, improved or otherwise, which in their opinion and judgment it may be to the interest and advantage of the said estate to sell, assign, exchange or convey. All which sales may be made for cash, in whole or in part, à *rente constituée* or otherwise, as they may deem expedient and proper ; provided always, that the said executors or others making said sale, shall forthwith invest the proceeds

of said sale or sales in real estate and mortgages, under the supervision of the said curator to the said substitution and with his consent in writing for the benefit of said estate, and in accordance with the intention of said testator; and provided also, that all sales or exchanges, and conveyances made under and by virtue of the provisions of this act, shall be without liability on the part of the purchasers to see to the application of the purchase money thereof; and provided further, that all sales heretofore made by said executors, in the interest and for the benefit of said estate, wherein the proceeds thereof have been invested, or secured, for the benefit of said estate as hereinbefore provided, shall be deemed and taken to be good and valid in law, in all respects as soon as the said curator to the said substitution shall by a declaratory act before a notary, have made known that he approves of the said sales and investments, and that he confirms the same."

Coming into
force.

2. This act shall come into force on the day of its sanction.

CHAP. 150

An Act to validate the sale of certain immoveables belonging to the substitution created by the will of the late Honourable J. O. Beaubien

[Assented to 27th April, 1909]

Preamble.

WHEREAS Octave Beaubien, farmer, of the town of Montmagny, has, by petition, represented :

That the late Honourable J. O. Beaubien, his father, in his lifetime, physician, residing in the town of Montmagny, bequeathed to him as institute and to his oldest son, in full ownership, by his will before Mr. F. X. Gendreau, notary, the twenty-eighth of October, 1877, the following immoveable, to wit : a lot of land, three arpents in front by forty arpents in depth, described on the official plan and book of reference of the village of Montmagny and of the parish of St. Thomas, under the numbers 18, 19 and 116 ;

That the above lot of land does not yield sufficient revenue to enable the petitioner, the institute, to live on it and to make the urgent and necessary repairs, to pay the municipal and school taxes and assessments and for these reasons he has been obliged to sell the said lot of land ;

That there never has been any substitute in the present substitution and there probably never will be ;