

## C H A P . 1 3 2

An Act to more clearly define the powers of the executors under the will and codicil of the late Honorable Alexander Cross

[Assented to 25th April, 1903]

Preamble.

WHEREAS Selkirk Cross, of the city of Montreal, in the Province of Quebec, as well personally as in his capacity of one of the surviving executors of the last will and testament and codicil thereto of the late Honorable Alexander Cross; George Harry Cross, of Beaver, Converse county, Wyoming, in the United States; William Heber Cross, of Montreal, aforesaid, and Alfred Ernest Cross, of Calgary, in the territory of Alberta, the latter two as well personally as in their capacity of two of the surviving executors of the said last will and testament; Edmund Lawrence Cross, of St. Telesphore, in the county of Soulanges, and Dame Margaret Fisher Cross, wife separate as to property of William Robinson MacInnes, and by her said husband duly authorized, and the said William Robinson MacInnes to authorize his said wife, both of Montreal aforesaid, have by petition represented :

That the late Honorable Alexander Cross, in his lifetime of the city of Montreal and, at the time of his death, a retired judge of the Court of Queen's Bench for the Province of Quebec, made his last will in holograph form on the 10th July, 1893, with codicil thereto in like form on the 24th January, 1894, both proved in the Superior Court at Montreal on the 23rd October, 1895, by which will and codicil, after certain special legacies, the testator left the usufruct of the rest and residue of his estate and property to his wife Dame Julia Lunn should she survive him, to be enjoyed by her during her lifetime, and, on her death, he bequeathed such rest and residue amongst his several children, who are the petitioners above named, the shares so left to his said children to be substituted in favor of their children respectively; and he named as executors his said wife and his said sons: Selkirk Cross, William Heber Cross and Alfred Ernest Cross, extending their powers beyond the year and day limited by law, and until the full execution of said last will and codicil; and granted them authority to sell all kinds of property and values, including real estate, and also to collect and call in moneys and other values, and invest and recall and re-invest the same in their discretion, with provision also that in case, from death or other causes, no executors or less than three should remain

for the execution of said will, any judge of the Superior Court might name executors to fill the vacancies and keep up the number to three ;

That the said testator died at Montreal on or about the 17th October, 1895, leaving his said will and codicil in full force and effect, and thereafter his said wife, Dame Julia Lunn entered upon the usufruct so bequeathed her, and died at Montreal on or about the 18th May, 1902, leaving the said three other executors her surviving ;

That, since the death of the said late Dame Julia Lunn, doubts have been suggested as to the power of the surviving executors to sell the said residue of testator's said estate, of which the said Dame Julia Lunn was bequeathed the usufruct, and to pay and hand over to the several legatees their legacies and shares in such residue ;

And whereas the petitioners have prayed for the passing of an act to set aside any such doubts and to clearly define the power of such executors, the petitioners, to sell and dispose of the residue of the testator's estate, of which the usufruct was so bequeathed to said Dame Julia Lunn during her lifetime, and to receive the purchase price and also to pay and hand over to the several legatees their legacies and shares bequeathed to them under such will and codicil, and whereas it is expedient to grant the prayer of the said petition ;

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

**1.** The executors of the last will and testament and codicil thereto of the said late Honorable Alexander Cross, to wit: the said Selkirk Cross, William Heber Cross and Alfred Ernest Cross, and their successors in office, are declared to be and are hereby authorized to sell the property, moveable and immoveable, bequeathed by the said will and codicil, with the exception of the special legacies the usufruct of which was not bequeathed to the said Dame Julia Lunn ; to receive the purchase price thereof, without the purchaser or purchasers being held to see to the application of such purchase price; and the said executors and their successors in office are also hereby authorized to pay and transfer to the several legatees under such will and codicil, to wit, to the several children issue of the marriage of the said late Honorable Alexander Cross with the said Dame Julia Lunn, his wife, the several legacies and bequests granted in and by the said will and codicil.

Power of  
executors to  
sell property  
of estate and  
pay over  
legacies.

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