

C H A P. 133

An Act respecting the estates of Denis Dufort and of Dame Julie Duchesneau, his wife

[Assented to 25th April, 1903]

Preamble.

WHEREAS Cajetan Dufort, architect, of Montreal ; Dame Exilda Dufort, wife separated as to property of Cléophas Ritchot, accountant, of Montreal, and the latter for the purpose of authorizing his said wife ; Herménégilde Dufort, contractor, of Montreal, Dame Exilda Dufort, widow of Ovide Mailloux, architect, Montreal, all of the district of Montreal, and Victor Dufort, manufacturer, of St. Gérard de Montarville, in the district of Ottawa, have, by their petition, represented :

That Denis Dufort, contractor, of Montreal, by his will, made before A. C. Décary, notary, and witnesses, on the 28th December, 1877, bequeathed his property to his children, empowering his wife, Dame Julie Duchesneau, who was common as to property with him, to divide the same as she might think proper ;

That the latter, by her will, made on the 11th October, 1900, before E. R. Décary and colleague, in Montreal, desired to divide her own property and the said property of her husband amongst their said children, in usufruct as regards the latter and in full ownership as regards their children ;

That it was, moreover, the will of the said testatrix that the said property in kind derived from the said estates should be sold before any partition, in order that the proceeds thereof might be expended in acquiring an hereditament producing revenues for each of her children ;

That it is nevertheless necessary, in the interests of the heirs, to more fully define the provisions of the said wills as regards the powers of the testamentary executors of the testatrix, the alienation of the said property and the re-investment of the proceeds ;

That doubts may arise as to the validity of the titles transferring the said property, which may be consented to by the testamentary executors of the said estate of Dame Julie Duchesneau in virtue of the said wills, inasmuch as she made the partition by her last will only ;

That it is, moreover, advantageous to sell the said property, without delay, subject to the re-investment of the proceeds thereof, according to the said will of the said Dame Julie Duchesneau ;

Whereas a prayer to that effect is contained in the said petition, and it is expedient to grant the same ;

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

1. The property belonging to the estate of the said Denis Dufort shall be divided according to the provisions of the will of his said wife, whose last wishes are hereby confirmed in their form and tenor. Division of property of estate.

2. It shall, nevertheless, be lawful for the testamentary executors of the said Dame Julie Duchesneau to sell the property belonging to the said estates, by mutual agreement, without legal formality and without the consent of the heirs under the said wills. Executors may sell property.

3. The testamentary executors of the said Dame Julie Duchesneau shall, after the sale of the said property, and without delay, proceed to the final partition of the property of the said estates and re-invest the proceeds of the sale of said property according to the provisions of the will made by the testatrix. The purchasers of such properties shall not be bound to see to the re-investment of the proceeds thereof. Final partition after sale.

It shall nevertheless be lawful for the said testamentary executors to proceed to the provisional partition of the moneys belonging to the said estates. Provisional partition.

4. The fees and costs incurred for obtaining the passing of this act shall be levied by the said testamentary executors on the mass of the property of the said estates. Costs, &c., of act how paid.

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