

CAP. XCI.

An Act to amend an act of the Legislature of Quebec (43-44 Victoria, chapter 81), intituled: "An Act to define the powers of the Executor of the will of the late Robert Knox, esquire, as to property in this Province, and for other purposes."

[Assented to 21st June, 1886.]

Preamble.

WHEREAS it has been represented that, owing to the depreciation in value of the real estate belonging to the estate of the late Robert Knox, mentioned in the act of the Legislature of Quebec (43-44 Victoria, chapter 81,) intituled: "An Act to define the powers of the Executor of the will of the late Robert Knox, esquire, as to property in this Province, and for other purposes," it has not been in the interest of those concerned as beneficiaries in the proceeds thereof, that the executor of the said estate should hitherto have sold all of the said lands;

And whereas the period limited by the said act as the extended term of his seizin and powers, to wit, the majority of the youngest of the children of General Thomas Knox, in the said act referred to, has now nearly elapsed.

And whereas it is expedient that the said term of seizin and powers should be further extended, and also that further and more effectual provision should be made for replacement of the present executor, in respect of the said lands, in case of his death or resignation;

And whereas the beneficiaries in the said property have consented thereto;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

43-44 V., c. 81, s. 1, replaced. **1.** Section 1 of the act 43-44 Victoria, chapter 8, is hereby replaced by the following:

Power of executor under will defined.

"1. Notwithstanding anything in the said will, all the powers of sale, investment and administration, conferred on the said executor, shall extend beyond the four years mentioned therein, and until all the lands of the said testator shall have been sold by the said executor, and the said executor is declared to be now and shall remain during all the extended period, alone vested with and seized of all the estate and assets of the said Robert Knox, in Canada, including the lands and property taken under the transactions above recited, or any others which he may find it expedient to make, and all conveyances of the said lands and property or of any parts thereof, granted by him alone, during the said extended period, shall be valid and convey to the pur-

chasers all the title of the said Robert Knox in the lands and property thereby sold, subject always to the liability of the executor to account to the beneficiaries under the said will; and the purchasers from the said executor shall not be liable to see to the application of the purchase money.

2. Provided always that if, at any time, any of those beneficiaries interested in the proceeds of the said lands shall so require it in writing of the said executor, the said executor shall be bound, within one year of such requisition, to cause the said lands to be sold. Beneficiaries may require sale of real estate.

3. Such sale shall be by public auction, after such notices as the Superior Court, or a judge thereof, upon petition of the executor, may direct, and shall be in the presence of the said court, and a record of the proceedings thereon shall be kept. Sale how effected.

4. Such sale shall be made either *en bloc* or in such lots as the court or a judge may direct. Sale may be en bloc or otherwise.

5. The executor, being himself a beneficiary, shall not be, by reason of his office, excluded from competition, but may bid and become *adjudicataire*. In such case the deed of sale shall be executed by the prothonotary; but in other cases by the executor. Executor may purchase. Deed in such case.

6. In all cases, the proceeds shall be distributed by the executor in the terms of the will of the said Robert Knox. Distribution of proceeds.

2. The following shall be added to section 2 of the said act, as subsection 2. 43-44 V., c. 81, s. 2, amended.

"2. In case, by reason of there being then no further property of the said Robert Knox in Ireland, to be administered, or for any other reason, such new letters of administration are not granted in Ireland, the Superior Court, upon such proof thereof as may be satisfactory to it, shall, upon petition of any person beneficially interested in the proceeds of the said lands, appoint another executor or executors to the estate of the said Robert Knox, with like powers to those by the will and this act conferred on the said John Samuel Knox. Such appointment shall not be made until all beneficiaries interested in the proceeds of the said lands or their representatives have been notified of the application, in such manner as the court may direct. New appointments may be, in like manner, made with like effect, so often as vacancies occur and the lands remain unsold. Power to appoint executor in certain event. Notice to those interested. Further appointments.

A copy of the appointment shall be registered as in the preceding subsection directed. Registration of appointment.