

the size of the said "Joliette College" and the said noviciate, and for the improvement generally of the said immovables; and, for the payment of the debt so secured by hypothec, the mere ownership as well as the usufruct of the said immovables may be seized and sold in the ordinary course of law.

Such loan shall not be considered as a violation of the conditions imposed upon the said corporation by the deed of donation of the fourth of February, one thousand eight hundred and fifty.

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

### C A P . L X X V I I .

An Act to better define the powers of the testamentary executors of the late Alexandre Maurice Delisle.

[Assented to 24th July, 1880.]

Preamble.

**W**HEREAS Marie Angelique Cuvillier, of the city of Montreal, widow of the late Alexandre Maurice Delisle in his life time, Esquire, both in her own name as tutrix to the minors Leslie, Charles E. Schiller, Esquire, Clerk of the Crown for the district of Montreal, in his quality of subrogate tutor to the said minors Leslie, Maurice Nolan Delisle, Charles Alexandre Delisle, merchant, the Misses Marie Anne Angelique Claire Delisle, and Marie Lucie Anne Catherine Delisle, spinsters, Dame Marie Georgiana Delisle, wife of Joseph Henri Pillet, esquire, advocate, and the said Joseph Henri Pillet, authorizing his said wife, Dame Marie Victoria Cordelia Delisle, wife of Olivier Selby, gentleman, and the said Olivier Selby, authorizing his said wife, and Miss Marie Elmire Catherine Clara Leslie, spinster, by their petition, represented:

That the said Alexandre Maurice Delisle departed this life at Montreal, on the thirteenth day of February last, leaving as heirs six children, issue of his marriage with the said Marie Angelique Cuvillier, to wit: the said Maurice Nolan, Charles Alexandre, Marie Anne Angelique Claire, Marie Lucie Anne Catherine, Marie Georgiana, Marie Victoria Cordelia, and three grand-children, issue of the marriage of his daughter, Dame Marie Elmire Delisle, with Patrick Leslie, esquire, of Montreal, merchant, to wit: the said Marie Elmire Catherine Clara Leslie, spinster, Marie Georgiana Stuart Leslie, and James Norman Stuart Leslie, both minors, to whom the said

Dame Marie Angelique Cuvillier was appointed tutrix, and the said Charles E. Schiller was appointed subrogate-tutor by authority of justice, upon the advice of a family council, duly homologated by the prothonotary of the Superior Court for Lower Canada, district of Montreal, on the thirteenth day of May last ;

Whereas, by his will, bearing date the third day of June, one thousand eight hundred and sixty-two, before Doucet and his colleague, notaries, at Montreal, the said Alexandre Maurice Delisle appointed his said wife his testamentary executrix and his universal legatee, with substitution in favor of his children and grand-children, the said Maurice Nolan Delisle, Charles Alexandre Delisle, and Charles E. Schiller being appointed, by the said will, testamentary executors and administrators, after the death of the said Dame Marie Angelique Cuvillier, and their powers were extended beyond the year and a day, and until the complete fulfilment of the said will ;

Whereas, by the second clause of his said will, the testator did order that his debts be satisfied by his testamentary executors ;

Whereas the fifth clause of the said will is in the following terms :

“ As it often happens that property so substituted may be sold to the greater advantage of the parties interested, I hereby authorize my said testamentary executors, or the survivor of them, with the consent of my heirs, either usufructuaries or owners, then of the age of majority, to sell and dispose, before the opening of the said substitution, such of my properties as they may deem advisable, for the greater advantage of my estate ; but, in the event of such sale, the proceeds thereof shall be immediately invested in a safe manner, either by purchasing hereditaments, bank stocks, or public securities, for the benefit of my estate ; ”

Whereas the said testator made a codicil before Doucet and his colleague, notaries, at Montreal, bearing date the twenty third of June, one thousand eight hundred and seventy six, which contains the following, among other clauses :

“ As I now possess and may hereafter possess vacant lots, either as full owner or *par indivis*, and situate either in the parish or in the city of Montreal, or elsewhere, as well as my undivided share in the bridges on the “ Rivière des Prairies,” and in certain turnpike roads on “ Ile Jésus,” I desire and mean that, in case I should die, leaving such lots unsold, as well as the said undivided shares in the said bridges and the said roads still unsold and not realized, my testamentary executors, or the survivor of them, shall

sell such lots or all my rights therein, if they deem proper, either in a lump or in building lots, as they may prefer; which sales I authorize them to effect for such prices and on such conditions as they shall consider most advantageous, either for the utility, necessity, profit or advantage of my estate, after having first obtained either judicial authority therefor, or the consent of the majority of my heirs; but, in the event of such sales, the proceeds thereof shall immediately be invested in a safe manner, either by the purchase of hereditaments, bank stocks, or public securities, for the benefit of my estate, and with reference to the enjoyment and usufruct in favor of my said children, and grand-children of the Leslie family, I will that the share of the latter shall be inalienable and not liable to seizure, and with reference to my daughters and grand-daughters of the Leslie family, that their enjoyment be further governed by clauses six and seven of my said will;”

Whereas the said testator has left considerable debts, which can only be paid by means of the sale of a portion of his real estate, and whereas it is greatly in the interest of the representatives of the said Alexandre Maurice Delisle that no doubt should exist as to the power of the said testamentary executors to sell the said immoveables in order to satisfy such debts; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Testamentary  
executors of A.  
M. Delisle,  
deemed to  
have power  
to sell certain  
property for  
certain pur-  
poses.

1. The testamentary executrix and the executors of the said Alexandre Maurice Delisle shall be deemed and considered as having the power to sell the moveable as well as the immoveable property of the said Alexandre Maurice Delisle for the payment of his debts, as if such power had been given them in a formal and express manner by the said will; such sales being moreover subject to the conditions of the said will, with respect to the consent of the heirs, or of the majority of them, as the case may be.

Proviso: Pur-  
chasers not  
bound to see  
to application  
of moneys.

Provided always, however, that the purchaser shall not be bound to see to the proper application of the proceeds of such sales.

Act in force.

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