

## CAP. LXXVIII.

An Act to authorize the sale of certain immoveable property substituted by the Will of the late Charles Smith, senior, and for other purposes.

[Assented to 24th July, 1880.]

**W**HEREAS, on the fourth day of September, one thousand eight hundred and forty-seven, by codicil executed and passed before A. B. Sirois and colleague, Notaries Public at Quebec, Charles Smith, senior, Esquire, Burgess, in his lifetime of Quebec, aforesaid, then residing at the place called "La Canardiere," near the Little River St. Charles, near the City of Quebec, did give and bequeath to the late Charles Smith, junior, the usufruct and enjoyment, for and during his natural lifetime, of the farm and buildings thereon erected, then in possession of him, the said late Charles Smith, junior, acquired by him the late Charles Smith, senior, of and from William Brown, by deed passed before Bignell and colleague, Notaries, at Quebec, on the twenty-ninth day of April, one thousand eight hundred and forty-seven; and whereas it was stipulated in and by the said codicil, that the said Charles Smith, junior, should not have the right to sell, alienate or hypothecate the said farm or any part or portion thereof, but that the same should, in like manner, be enjoyed by the children issue of the marriage of the said late Charles Smith, junior, with Sarah Phillips, to be by them, the said children, likewise enjoyed for and during their natural lives, on the condition that it should be transmitted to their descendants, as long as the law would allow; And whereas by the petition of the heirs of the said Charles Smith, junior, it appears that, owing to many of them residing in the United States, and in the province of Ontario, and from their being unable to keep the property, so bequeathed to them, in good repair, the same is deteriorating; and for other good and sufficient reasons in the said petition set forth; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Charlotte Smith, Charles Smith, Elizabeth Frederica Smith, Edwin Smith, John Phillips Smith, Sarah Smith, George Thomas Smith, William Smith, and Jacob Smith, being all of full age, and the sole heirs of the said late Charles Smith, junior, are hereby authorized to sell the said property, on condition that the proceeds of the sale of said property, to the extent of at least fifteen hundred dol-

Certain persons authorized to sell property substituted by late C. Smith, for certain purposes.

lars be invested in Dominion Stock, for the benefit of the legal descendants of the children of the late Charles Smith, junior, and the said descendants shall enjoy the said proceeds in full ownership, and the same, when so invested, shall not be transferred without the permission of a judge.

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

## CAP. LXXIX.

An Act to define the powers of the heirs Quesnel, to dispose of certain real estate.

[Assented to 24th July, 1880.]

### Preamble.

**W**HEREAS Marie Henriette Coursol, wife duly separated as to property, by marriage contract, of Robert Kane, lately an officer in Her Majesty's service, duly authorized by her said husband, and Charles Joseph Quesnel Coursol, gentleman, all of the city of Montreal, have, by their petition represented : That by his last will and testament, passed at Montreal, before Maître D. E. Papineau, who has preserved the original thereof of record, and his *confrère*, notaries, on the seventeenth day of June, one thousand eight hundred and sixty six, the late Honorable Frederic Auguste Quesnel, in his life time one of the members of the Legislative Council of the late Province of Canada, residing in the parish of Montreal, after disposing of several particular legacies, did constitute Michel Charles Joseph Coursol, esquire, heretofore judge of the sessions of the Peace, for the district of Montreal, and now a member of the Commons of Canada, his nephew and adopted son, his universal legatee, and did give and bequeath to him the residue of all his property, moveable and immoveable, on condition, that he should deliver the said property, both moveable and immoveable, to his children, born or to be born in lawful wedlock, which children, born or to be born and their descendants, should divide the said property between them, equally and according to roots ; whereas, by codicil passed at Montreal, before the same notaries, on the eighteenth of June, one thousand eight hundred and sixty six, the said testator did exempt from the substitution created by his said will, all his moveable property and debts due to him ; And whereas, it was by the said will stipulated, that the fruits, rents and revenues of the immoveable property so bequeathed to the said Michel Charles Joseph Coursol, should be inalienable by him, and