

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

not liable to seizure in his hands, by any his creditors; but that, nevertheless, if he so desired it, and for the purpose of settling his children in life, when they should have reached the proper age for the same, he might allow such children to enter into full and entire possession of and property in the share which such children could only otherwise get on the death of their father, the acquisition of their rights being contingent thereon;

Whereas the said petitioners have also represented that they are the only two children of the said Michel Charles Joseph Coursol, and whereas the latter, desiring to obtain the means of properly settling his children in life, as thereto authorized, by the will and testament of the late Honorable Frederic Auguste Quesnel, while, nevertheless, reserving for himself, a portion of the interest, fruits, rents and revenues, subject to the condition of their being inalienable by him, and not liable to seizure, did, by a deed of transfer and abandonment, passed at Montreal, on the seventh of February, one thousand eight hundred and seventy nine, give and grant to the said petitioners, for themselves, their heirs and assigns, the right and power to enter into the full possession and ownership of their share of all the property and securities, affected by the substitution created by the will and testament of the said late Honorable Frederic Auguste Quesnel, upon certain clauses, agreements and stipulations, contained in the said deed of transfer, and abandonment; each of the said petitioners, their heirs or assigns to dispose of his or her share in the property, of which they became owners in possession, in virtue of the said deed, as he, she or they might think fit; but on condition that, if repayment of any of the principal sums was tendered, of the capitals of constituted rents or prices of sale, the rents and interest arising from which were reserved by the said Michel Charles Joseph Coursol, during his life-time, it would be necessary, in order that the discharge granted should be valid, that the said Michel Charles Joseph Coursol, should be a party to such discharge, as well as that one of his children, to whose share the principal or capital so repaid would have devolved by the partition, to be made between the petitioners;

Whereas the said petitioners have further represented that, in virtue of the said deed of transfer and abandonment, they have become owners of the property affected by the substitution created by the above mentioned will and testament of the said late Honorable Frederic Auguste Quesnel, and that they now have the enjoyment of the said property, with the exception of that portion, the enjoyment of which the said Michel Charles Joseph Coursol, reserved for himself, during his life-time;

Whereas the said petitioners have further represented, that certain doubts have been expressed as to their right to alienate and freely dispose of land affected by the said substitution and of which they are now in possession, in virtue of the said deed of transfer and abandonment, and to grant a valid discharge, for the capital of constituted rents and prices of sale, to them transferred and abandoned by the said Michel Charles Joseph Coursol, and whereas such doubts have a prejudicial effect upon their interests and diminish the value of the said land and delay the repayment of the said capital sums ;

Whereas the said petitioners have, under these circumstances, prayed for the passing of an act, to remove such doubts and to give the assurance of a valid title to such persons as may acquire land from the said petitioners, and of a valid discharge to those who may effect such repayment ;

And whereas it is expedient to grant their prayer, subject, nevertheless, to the reservation hereinbefore made ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain deeds  
deemed valid.

1. All deeds by which Marie Henriette Coursol, and Charles Joseph Quesnel Coursol may alienate any land affected by the substitution created by the late Honorable Frederic Auguste Quesnel, now possessed by them *par indivis*, or by either of them, after a partition shall have been made, shall confer a valid and irrevocable title upon the purchasers thereof, as regards any person claiming to have any right in such property, under the above mentioned will of the said late Honorable Frederic Auguste Quesnel ; and the discharges which the said Marie Henriette Coursol and Charles Joseph Quesnel Coursol may jointly grant, before partition, in the case of repayment of the capital of constituted rents or prices of sale, affected by the said substitution, or which either of them may grant, after such partition, shall be valid and shall be a sufficient discharge for all such debtors.

RECOURSE of  
other children  
if born.

2. In case any other children should be born in lawful wedlock to the said Michel Joseph Coursol, such children shall have a personal recourse against the said Marie Henriette Coursol, and Charles Joseph Quesnel Coursol, and their heirs, jointly and severally, for the share which might accrue to them, as substitutes, in the lands affected by the substitution created by the above-mentioned will of the said late Honorable Frederic Auguste Quesnel, and which may have been alienated by them, and in the constituted rents and prices of sale, affected by the said substitution,

which shall have been repaid to them. But the purchasers of such lands and the debtors discharged from the payment of such *rentes* and prices of sale, shall not be disturbed or troubled in consequence of such children being born.

3. The provisions of the two preceding sections shall not be applicable to the capital of *rentes* and prices of sale, the revenues arising from which the said Michel, Charles Joseph Coursol, has reserved for himself during his life-time, and such capital sums shall specially remain affected, as security for the rights of such children as may be born in lawful wedlock to the said Michel Charles Joseph Coursol.

Other provisions not applicable in certain cases.

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

### C A P . L X X X .

An Act to authorize the sale of an immovable property, subject to substitution by the late James Connolly.

[Assented to 24th July, 1880.]

**W**HEREAS, at the city of Montreal, on the twentieth day of March, one thousand eight hundred and sixty six, by a deed of donation, passed before the late T. Doucet, who kept the original thereof, and his colleague, notaries public, James Connolly, of the township of Kildare, in the county and district of Joliette, farmer, gave unto Frances Jane Connolly, wife of the Reverend James H. Dixon, and to the said James H. Dixon, a lot of land situated, lying and being in the seventh range of the said township of Kildare, subject to substitution in favor of their children, and subject also to the payment of a certain hypothecary claim ;

Preamble.

Whereas the rental of the said lot of land is insufficient for the maintenance of the said Frances Jane Connolly and James H. Dixon, and for the maintenance and cost of the education of their children ;

Whereas the said lot of land is deteriorating, and the said Frances Jane Connolly and James H. Dixon have not the means of re-establishing it, and are unable to cultivate it with advantage ;

Whereas the said Frances Jane Connolly and James H. Dixon, would greatly benefit, if they were authorized to sell the said lot of land ;

Whereas the hypothecary claim against the land has been paid by them ;