

employment of the said money, nor shall the said immoveable remain in anymanner affected to insure the judicious use of the said purchase price ; provided also that any portion of the said purchase price may always be left on the said immoveable by the said vendors, if they deem it advisable, and that the repayment thereof with interest may be guaranteed by hypothec and by the privilege of *bailleur de fonds*, constituted by the purchaser on the said immoveable.

Interpretation.

5. Nothing in this act contained shall in any way modify the duties and obligations imposed by the said will, either upon any of the said legatees, or upon the testamentary executors therein named, and all the provisions of the said will and of the codicils thereto, with the exception of the change by this act authorized, shall have their full effect, as if the present act had not been passed.

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

An Act to authorize the sale of certain property substituted by the last will and testament of Dame Maria Orkney.

[Assented to 24th December, 1875.]

Preamble.

**W**HEREAS Mrs. Maria Orkney, widow of her first marriage of the late Frost Ralph Gray, in his lifetime of the city of Quebec, Esquire, merchant, and of her second marriage of the late Joseph Morrin, in his lifetime of the city of Quebec, Esquire, physician, by her last will and testament duly executed in notarial form on the 26th day of may 1868, before Ed. Glackemeyer and another, notaries public at Quebec and enregistered in the registry office for the city and district of Québec, did devise and bequeath among other things as follows : "I do hereby give and bequeath unto Frost Wood Gray and Maria Gray my two children issue of my marriage with the said late Frost Ralph Gray, the usufruct and enjoyment during their lives, of all the property I may die possessed of, without any reserves or exceptions, to be possessed and enjoyed by them in common, *par indivis* ; on the death of either of them the said usufruct shall continue between the survivor of the two, and the children of any of the first deceased ; if there be no children issue of the first deceased, then the survivor shall have the said usufruct and enjoyment of all the said property I may die possessed of, until his or her death ; and as to the proprietary right in all the property I may die possessed of, I do hereby give and bequeath the same unto the children issue of my said two children, by equal

halves to each family, to wit: the children of my said son taking one half, and the children of my daughter taking the other half, their possession of my said property, so far as the proprietary right is concerned, only taking place after the decease of both my said son and daughter; and whereas it is represented by the petition of Frost Wood Gray and Maria Gray, now the wife of Arthur Gascoyne Chapman, that it is to the interest of the said petitioners, and of the children, that a certain property in the city of Quebec, situated in d'Auteuil street, in the said city, and being the house and premises designated on the Cadastre of St. Louis Ward, as the Cadastral number 2679 be sold, and the proceeds invested for the purposes of the said will, and praying to be authorized to make such sale; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows:

**1.** The executors of the will of the said Maria Orkney, after being authorized thereto, by a judge of the superior court, on the advice of the relations and friends, and with the assistance of the curator to be appointed to the substitution created by the said will, are hereby fully authorized to sell and convey the said lot of ground and premises, with the house and other buildings thereon erected situated in d'Auteuil street in the city of Quebec, and being the cadastral number 2679 in St. Louis ward, and to give as good and effectual title for the same, as might have been given by the said Maria Orkney, in her lifetime.

Persons authorized to sell certain properties.

**2.** The price of the said sale shall be invested by the said executors in such way as they and the said curator shall deem right, and shall be by them applied in the same way and to the same purposes as the said will directs, respecting the property belonging to the estate of the said Maria Orkney.

Use of the revenues.

**3.** This act shall take effect on the day of its sanction.

Act in force.