

Responsibility
of the pur-
chaser.

5. The purchaser shall in no way be responsible towards the substitution, as respects the investing of the price of the sale of the said real estate, and he shall be completely freed from the said price of sale, and may exact and obtain the cancelling of any hypothec created for the security of the said price of sale, on presentation of the discharge of the said Molson, or his heirs and assigns, and of the said W. H. Kerr, *ès-qualité* for the sum of eleven thousand eight hundred and sixty-seven dollars and forty-eight cents, and of the simple discharge of the said Molson, for the balance.

C A P . X C I V .

An Act to authorize the Executors of the will of Stanley C. Bagg, Esq., late of the City of Montreal, to sell, exchange, alienate and convey certain Real Estate, charged with substitution in said will, and to invest the proceeds thereof.

[Assented to 23rd February, 1875]

Preamble.

WHEREAS Stanley C. Bagg, Esq., late of the city of Montreal, deceased, by his last will and testament, duly executed in notarial form on July 7th, 1866, and the codicil thereto executed and duly registered in the registry office for the said city and district of Montreal, did devise and bequeath *inter alia*, as follows: "I give, devise and bequeath unto my said beloved wife, the usufruct, use and enjoyment, during all her natural lifetime or so long as she shall remain my widow, all and singular the property I may die possessed of, with the exception only of that hereinbefore bequeathed and given, whether the same be movable or immovable, real or personal, ready money, debts or actions, or otherwise, however and wheresoever the same shall or may be situate, and to whatsoever amount the same shall come. To have and to hold the said usufruct, use and enjoyment unto my said beloved wife during all her natural lifetime or so long as she shall remain my widow, to and for her own proper use and benefit, without rendering any account of the same or of any part thereof, to any person or persons whomsoever, &c.; I give, devise and bequeath in full property (subject nevertheless to the said usufruct and enjoyment of all my property by my said wife, Catherine Mitcheson Bagg, during her natural life, as my widow, as hereinbefore mentioned,) unto all my children born or to be born issue of my marriage with my said wife, in equal shares and proportions, the whole of the property, with the exception

“ only of that hereinbefore, otherwise bequeathed, whether
“ movable or immovable, real or personal, ready money,
“ debts or actions or otherwise howsoever, that I may die
“ possessed of, wherever the same shall or may be situate,
“ and to whatever amount, the same shall come to me in
“ any-wise belonging or appertaining, or in which I may
“ have any right, interest or share at the time of my death,
“ and without any exception or reserve other than the
“ exception hereinbefore mentioned. To have and to
“ hold the said hereby bequeathed and given property
“ unto my said children, born or to be born, issue
“ of my said marriage with my said wife, Catherine
“ Mitcheson, their heirs and assigns as and for their
“ own property forever, by virtue hereof, subject, never-
“ theless to the usufruct, use and enjoyment by my
“ said wife during her natural lifetime, or so long as she
“ shall remain my widow. As regards the share of my
“ said children, born or to be born of my said marriage, the
“ survivors or survivor of them, in and to the hereby be-
“ queathed and given property. I hereby direct and enjoin
“ that each of them shall be paid, half yearly, the interest
“ or revenue thereof, after the decease or second marriage
“ of my said wife during the period of their, and each of
“ their natural lifetime, for their and each of their aliment,
“ maintenance, or for whatever other purpose or purposes
“ they may desire, on their and each of their own receipt or
“ receipts, &c. And at the death of any of my said chil-
“ dren, the interest, income or revenue belonging to such
“ so dying shall be divided half yearly among the children
“ if any of him, her or them so dying, for their aliment and
“ maintenance, and education, and for such other purposes
“ as they may require, share and share alike during their
“ minority, and the capital shall be paid them, share and
“ share alike on their respectively attaining the age of
“ twenty-one years, and not sooner, although the daughters
“ be previously married, &c. I declare that it is my wish,
“ will and desire, and I hereby order and direct, that the
“ real estate or land I may die possessed of shall not be
“ sold and disposed of excepting in building lots or em-
“ placements, and such building lots or emplacements
“ may be sold and disposed of a *rente constituée*, and when
“ so sold, the constituted rents shall be made payable to
“ my said wife, during her life, or so long as she remains my
“ widow, and then to my said children; and afterwards to
“ their children in equal shares. The said constituted rents
“ shall not be redeemable until my said childrens' children,
“ or the survivor or survivors of them shall arrive at the age
“ of majority, and when redeemed shall be equally divided
“ among them, share and share alike, &c. And for the ex-
“ ecution of this my last will and testament, I do hereby

“nominate, constitute and appoint my said wife, the said Catherine Mitcheson to be the executrix, and (MacGregor) Joseph Mitcheson, of the city of Philadelphia, in the State of Pennsylvania, one of the United States of America, Esquire, attorney at law, and Joseph Evariste Odilon LaBadie, Esq., Notary public, and my son Robert Stanley Clarke Bagg, Esquire, Advocate, to be the executors of this my last will and testament, with power and authority unto them, or such of them as may act, to hold and exercise her, his or their trust in that capacity over and beyond the year and day limited by law, and until my will and wishes as herein written and contained shall be fully carried out and executed, &c.” And whereas, doubts have arisen as to the proper interpretation and construction of certain clauses in the said will as above recited, and for the purpose of making the intention of said testator more clear and absolute, and to facilitate the carrying out of the same, it is expedient that an act of this legislature should be passed; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to dispose of certain parts of real estate.

1. The executors of Stanley C. Bagg, Esq., deceased, or a majority of them, or whoever may be legally authorized to carry out the last will and testament of the said Stanley Clark Bagg, Esquire, 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 appointed to the substitution created by the will of the said Stanley C. Bagg Esq., are hereby fully authorized and empowered to sell, assign or exchange, and with good and sufficient assurances in the law, to sell and convey, from time to time, as occasion may require, so much and such parts of the real estate and immovable property of the testator, or of the real estate and immovable property or properties, which may be purchased with the proceeds thereof if sold, as may now be, and as may hereafter become dilapidated, going to decay, deteriorating in value, or expensive or unproductive to the estate; and in the discretion of said executors, or of a majority of them, or of whoever may be legally authorized to carry out the said will, and to represent said estate, under the condition hereinabove mentioned to sell, assign, exchange, and convey any other property, movable or immovable, improved or otherwise, which in their opinion and judgment may be, to the interest and advantage of the said estate. All which sales may be made for cash, in whole or in part, a *rente constituée* or otherwise, as they may deem expedient and proper; provided always, that the said executors or others, making said sales, shall forthwith invest the pro-

Investment of the proceeds of sales.

ceeds of said sale or sales in real estate and mortgages, under the supervision of the said curator to the said substitution and with his consent in writing for the benefit of said estate, and in accordance with the intention of said testator; and provided also, that all sales or exchanges, and conveyances made under and by virtue of the provisions of this act, shall be without liability on the part of the purchasers to see to the application of the purchase money thereof; and provided further, that all sales heretofore made by said executors, in the interest and for the benefit of said estate, wherein the proceeds thereof have been invested, or secured, for the benefit of said estate as hereinbefore provided, shall be deemed and taken to be as good and valid in law, in all respects as soon as the said curator to the said substitution shall by a declaratory act before a notary, have made known that he approves of the said sales and investments, and that he confirms the same.

Proviso :
Sales previous-
ly made by
test. exec. may
be rendered
valid.

2. The authorization granted under the conditions herein above mentioned for the sale of the whole or any part of the said estate shall be understood to be sufficient to enable the executors to sell any part or parts thereof under the same conditions without any further authorization being required.

Effect of the
authorization.

C A P . X C V .

An Act to authorize Dame Marie Louise Panet, widow of Arthur Lamothe, to sell certain Properties substituted to her children.

[Assented to 23rd February, 1875.]

WHEREAS the late Dame Louise Amélie Panet, in her lifetime, wife of Colonel William Berczy, Esq., of the parish of Ste. Mélanie, in the district of Joliette, made an olograph will, on the eleventh of April, eighteen hundred and sixty, which was afterwards verified and proved according to law, on the eighteenth of June, eighteen hundred and sixty-two, and of which a true and formal copy was afterwards enregistered at the registry office, of the county of Joliette, on the second of July following, under the number 3322, on page 672 of the 6th volume of register B; that in virtue of such will, after the payment of certain special legacies, the division of the property of the said Dame Berczy, is made in five parts; 1st, one fifth and the third of a fifth in usufruct, to Dame Mélanie Panet, widow of Louis Lévesque; 2nd, one fifth and the third of a fifth, in usufruct, to Dame Marie Anne Panet, Dame Glo-

Preamble.