

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.

bensky ; 3rd, one fifth, in usufruct, to Pierre Louis Panet ; 4th, one fifth, in usufruct, to Dame Thérèse Eugénie Panet, Dame Abbott ; 5th, a third to be divided between Mr. Panet and Dame Abbott, also in usufruct ; that under such will, the said Dame Berczy declares that when these usufructuaries, that is to say her brother and her sisters shall die, she will dispose of the succession in the following manner : to Dame Marie Louise Panet, widow of Arthur Lamothe, the share which should have constituted the usufruct which her father, the brother of the said Dame Berczy should have enjoyed during his lifetime, the said widow Arthur Lamothe being bound to transmit the same by way of substitution, to her children ; to Louis Lévesque, Esq., notary, of the parish of St. Mélanie, in the district of Joliette, the residue of her succession ; that by deed of transaction and arrangement, dated the twenty-seventh of November, eighteen hundred and sixty-three, between the said widow Lamothe and the said Louis Lévesque, and to put an end to all difficulties or litigation, resulting from the ambiguity of the terms of the said will of the said Dame Berczy, it was agreed between the said parties, if they should survive the usufructuaries named in the said will, to divide together equally, all the lands and capital, movable and immovable which might belong to the succession of the said Dame Berczy after extinctions of the usufructs above mentioned, and as to the third in usufruct left to the said parties in the share of any of the first usufructuaries of the said Dame Berczy, at the death of each of the first usufructuaries, the said widow Lamothe, agreed that the said Louis Lévesque, should have and take the two-thirds of such third, including in such agreement, the third in usufruct to which they, the said parties may be entitled by reason of the death of the said Dame Marie Anne Panet, Dame Globensky occurring after that of the said Dame Berczy ; that the second usufructuaries, mentioned in the said will, died before the husband of the testatrix, who had the enjoyment of the succession up to his decease in the course of the month of December, eighteen hundred and seventy-three ; that the share of the succession of the said Dame Berczy, belonging to the said widow Lamothe, as well under the said will as under the composition and arrangement entered into between her and the said Louis Lévesque, is composed almost wholly of an immense tract of lands in standing timber, situate in the county of Joliette ; that by the terms of the said will, the said dame widow Lamothe, possesses as *grevée de substitution* under the condition of transmitting to her children the share so fallen to her from the succession of the said Dame Berczy ; considering that by her petition, the said Dame widow Lamothe, has represented in addition to what precedes that she has no living child issue of her marriage

with the said late Arthur Lamothe, and that it is improbable that at her age, she will have any children, even in the event of her marrying again ; that the said Dame widow Lamothe does not derive any income from such lands in standing timber, may not sell them, divide, exchange, nor hypothecate them in any incommutable manner ; that the progress and development of such part of the country will be greatly retarded if these lands are not sold ; that in her interest and in that of the public, the said Dame widow Lamothe, desires to be authorized to divide with the said Louis Lévesque, in accordance with the intention of the deed of transaction, and to sell, exchange or hypothecate the share of the succession of the said Dame Berczy which has fallen to her, without prejudice to the rights of others, with the assistance of the curator to the said substitution who will watch over the use of the funds in the interest of the substitutes to the substitution ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Dame Marie Louise Panet, widow of Arthur Lamothe, may, after being authorized by a judge of the superior court, on the advice of relations and friends, and with the assistance of the curator appointed to the substitution created under the will of the said Dame Berczy, declaring that the division of property coming to the said dame widow Lamothe is useful or profitable, to definitely divide in the form and manner prescribed by law in the case of *partage définitif*, with the said Louis Lévesque or his representatives, co-legatee of the said property, and this, with the assistance of the curator to the substitution, and further on the said advice of relations and friends declaring that the alienation of the share fallen to the said Dame widow Lamothe, through the said final division is useful or profitable, sell, exchange, hypothecate, or alienate, in whatever form it may be, with the assistance of the curator to the substitution, in one or more lots, from time to time, and according as they may judge fit and proper, the lands and properties which have thus fallen to the said Dame widow Lamothe, by means of the aforesaid final division.

Division of
property, &c.
Authorization
required, &c.

2. The first authorization of the judge of the superior court on such advice of relations and friends, shall be sufficient for all the alienations of the share attaching to the said Dame widow Lamothe, who shall not be obliged to procure a new authorization for each of the said alienations.

1st authoriza-
tion by the
judge shall be
sufficient for
the others.

Use of the funds.

3. The said Dame widow Lamothe shall, assisted by the curator of the said substitution, allow the products of the sale of the said immovable property or any part thereof, to remain on deposit in the hands of the purchaser or purchasers, with the guarantee of a mortgage, with the privilege of *bailleur de fonds*, make use thereof by loans secured by special hypothecs on immovable property, or in purchasing immovable property, or in investing such moneys in Dominion bonds or in those of the province of Quebec, or in the consolidated fund of any incorporated city or town, or in any incorporated bank, doing business in this province, according as the said Dame widow Lamothe, assisted by the curator to the substitution, may deem most advantageous.

Right to withdraw them on certain conditions.

4. The said Dame widow Lamothe may, at any time, assisted by the curator to the substitution, and when she may deem it advisable or profitable, withdraw certain sums and otherwise employ them, in the form and manner prescribed by the preceding section, provided that such use in no respect prejudices the interests of the substitute to the said substitution.

Right to the profits.

5. The said Dame widow Lamothe shall be entitled in full property to the annual fruits, profits and revenues arising from the sale of the said immovable properties or from any other alienation thereof, and also to any increase in value which may take place in them.

C A P. X C V I .

An Act to authorize Dame Nancy P. Parsons, wife of William S. Hunter, to sell and dispose of certain Real Estate in the County of Stanstead.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS Dame Nancy P. Parsons, wife of William S. Hunter, of the township of Stanstead, in the district of St. Francis, and province of Quebec, yeoman, duly authorized by her said husband, has, by her petition, represented that by deed of donation, made and passed at the said township of Stanstead, before C. A. Richardson, esquire, notary public, the sister and brother of the said petitioner, to wit, Ellen L. Parsons, wife of Mr. Walter W. Parsons, by her said husband duly authorized, and Robert C. Parsons did give and grant, by way of donation *inter vivos* pure, simple and irrevocable, unto the