

shall remove the effects of the doubts which heretofore Preamble.  
have existed as aforesaid as to his title to the property in  
question ;

And whereas the said John Platt has, by his said petition, prayed for the passing of a bill declaring that he, at the death of his grandmother Ann Wragg, became seized and possessed of the said property mentioned in the said eighth clause of the said will, as sole and absolute proprietor, without any limitation, charge, *fideicommis* or substitution whatsoever ;

And whereas it is expedient to grant the prayer of the said John Platt ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said John Platt is hereby declared to have, at John Platt declared owner of certain property.  
the death of the said Ann Wragg, become seized and possessed of the said property mentioned in the said eighth clause of the said will, as sole and absolute proprietor, without any limitation, charge, *fideicommis* or substitution whatsoever.

2. That nevertheless, the said John Platt, out of the proceeds of the sales of the said property after paying all debts legally due thereon, shall invest the sum of twenty thousand dollars in dominion stock interest for the benefit of the said John Platt's grandchildren, to be divided share and share alike between them and their heirs and representatives after the death of the said John Platt, who shall during his lifetime receive the interest thereon to his own use and benefit. His grand children to be secured to the extent of \$20,000.

3. That for the purposes of the said trust the tutor and tutrix of said children respectively shall be charged with the duty of watching the interests of said children in so far as the said trust is concerned. Duty of tutors of children.

4. The purchasers of said property or any part thereof shall in no manner be held liable for the appropriation of the proceeds. Purchaser not liable for misappropriation of price.

## C A P . X C V I .

An act to authorize Olivier Robitaille to alienate certain real estate belonging to Marie Eléonore Isabella Macdonald, his ward, as usufructuary.

[Assented to 5th April, 1869.]

**W**HEREAS, Olivier Robitaille, of the city of Quebec, Preamble.  
esquire, physician, has by his petition represented that the late Angus Macdonald, in his lifetime of the parish of Becancour, gentleman, by his last will and

## Preamble.

testament, duly executed on the sixteenth day of May, eighteen hundred and sixty-five, and by his codicils, one executed on the twenty-second, and the other on the twenty-third days of May of the same year, in due form, before J. A. Blondin, and his colleague, notaries, at the said parish of Becancour, did, name him, the said Olivier Robitaille conjointly with William Macdougall and James Macdougall, of Three-Rivers, his testamentary executors ; and that in a family council, bearing date the seventh day of June, eighteen hundred and sixty-five, he was named tutor of Marie-Eléonore-Isabella Macdonald, minor, sole surviving child and issue of the marriage of the late Angus Macdonald with Eléonore-Christine Dénéchaud ; and that the said Olivier Robitaille has further represented that the real estate left by the said testator is partly composed of wild lands, or other unproductive property, mentioned and described in a report of experts dated the twenty-eighth day of January one thousand eight hundred and sixty-nine, received and delivered *en brevet* before P. L. Hubert, notary, his colleague, at Three-Rivers, and remaining of record in the office of the prothonotary for the district of Three-Rivers, the twenty-ninth day of January, one thousand eight hundred and sixty-nine under number eight, and that the said lands and property could, if power to that end was conferred upon him, be sold to the great benefit of the said succession, and the price of sale advantageously invested in his name as such tutor ; considering also that the petition of the said Olivier Robitaille could not be granted by the judge to whom the same was presented on the said twenty-ninth day of January, one thousand eight hundred and sixty-nine, and that the judgment rendered on the said petition declares that according to the actual provisions of the law, the said Olivier Robitaille can obtain, only from the legislature, authority to sell the said lands and property ; considering lastly that it is of the highest importance, to prevent great injury and considerable damage to the said succession, that the said lands and property be sold ; and that 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 :

O. Robitaille  
authorized to  
sell certain  
property

1. The said Olivier Robitaille is hereby authorized to sell, or otherwise alienate, in one or more lots, from time to time, according as he may judge proper, the lands and property above mentioned and described as aforesaid in the said report of experts, dated the 29th January 1869, and to execute titles, valid in law, for the said lands and property so sold and alienated. Provided always that the said Olivier Robitaille shall not sell the said lands and property or any portion thereof, at a less price than that mentioned in the said report.

Proviso.

2. The said Olivier Robitaille may, at his discretion, leave the sums of money coming from the sale of the said property or any part thereof, in the hands of the purchaser or purchasers, on the security of the privileged hypothec of *bailleur de fonds*, or he may take and receive the said purchase moneys, and invest it in dominion stock as he may judge most advantageous; and the said purchase money, in so far as the same relates to the said Olivier Robitaille, shall be in lieu of the said lands and property, and shall be considered as real estate; and the annual interest, issues and profits of such purchase money and all increase thereof shall represent for all legal purposes the annual issues and profits of the said lands and property.

Investment of  
proceeds of  
sale.

Proceeds and  
interest there-  
of to be in  
lieu of real  
estate.

3. The said Olivier Robitaille, shall be held to render an account of the gestion and administration of the moneys and of all rents, issues and profits thereof in the same manner and under the same obligations, as he now actually is held to do with reference to the said lands and property.

Accountability  
of O. Robi-  
taille.

4. In the event of the decease of the said Olivier Robitaille, or in the event of his ceasing to be tutor as aforesaid, all the duties and obligations on him conferred and imposed by the present act, shall be exercised by his successor in office or other legal representative duly constituted according to law.

Accountability  
of his succes-  
sor to the tu-  
torship.

