

whereas the retrocession of the said legacy and of the property of which it consists was not provided for by the said Dame Marie G. S. Raymond in her will, doubts may arise as to the powers and right of the said testamentary executors and trustees and their successors to sell, make over, transfer and dispose of the property constituting the said legacy ; and whereas it is expedient to grant the prayer of the said testamentary executors, asking for such rights and powers ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The testamentary executors and trustees appointed by the will of the said late Dame Marie G. S. Raymond and their successors, are authorized to sell, abandon, transfer and dispose of each and every of the properties of which the said legacy consisted, when and in such manner as they may deem advisable, for the price and on the terms and conditions which they may deem most advantageous for the estate of the said late Dame Marie G. S. Raymond ; the price, proceeds and revenues of the said property to be managed, administered and employed by the said testamentary executors and trustees or their successors, according to the tenor and provisions of the said will.

Power to sell certain real estate granted to executors of estate M. G. S. Raymond.

2. This act shall come into force on the day of its sanction

Coming into force.

## CAP. CVII.

An act to confirm the sale of certain property by Dame Elise Cloutier to Philippe Richard.

[Assented to 21st March, 1889.]

WHEREAS, by his last will and testament before Auguste Martin, notary, and witnesses, made at Saint Pascal in the district of Kamouraska on the 12th August, 1881, and duly registered in the 18th March, 1886, the late Wilbrod alias William Ouellet, engineer, of the said parish of Saint Pascal, gave and bequeathed in full and perpetual ownership to Dame Elise Cloutier his wife, now of the town of Fraserville, all his moveable and immoveable property, without reserve, appointing her his general and universal legatee as owner from the day of his death ;

Whereas such legacy was given subject to the condition of bringing up in a Christian manner the children issue of her marriage with the testator, until they respectively

Preamble.

attained the age of eighteen years, and of giving them the best education in proportion to her means ;

Whereas the testator afterwards declared by the same will that his said legatee could not dispose of the property to her bequeathed, except in favour of the children, the issue of the said marriage, but with the right to divide the same in equal or unequal shares amongst such children as she might deem advisable ;

Whereas the testator died on the 19th January, 1886, leaving six children, issue of his said marriage and aged respectively from one to fifteen years ;

Whereas the testator has left in his estate—besides the undivided half of some articles of little value—only the undivided half of a lot bearing the number two hundred and eight (208) on the cadastral plan of the said parish of Saint Pascal, with a house, a saw-mill, a mill for carding, dyeing and pressing cloth, with some tools and a quantity of boards and lumber in the said mills and also of two other lots of small value, to wit : lots numbers forty C and forty-one E on the cadastral plan of the township of Woodbridge, the other half belonging to the said Dame Elise Cloutier in virtue of her right of community of property ;

Whereas on the 17th February, 1886, by deed passed before the said Auguste Martin, notary, registered in the registry office of the county of Kamouraska on the 11th September, 1886, the said Dame Elise Cloutier, being unable to make use of the said property for which she found a very remunerative price, and in order to avoid having to make considerable repairs to the said mills, sold the same to Philippe Richard, farmer, of the said parish of Saint Pascal ;

Whereas, in view of the existence of the said substitution, the said Philippe Richard refuses to pay the instalments due on the price of sale, and, through want of sufficient means, the said Dame Elise Cloutier is unable to provide for the education of her children and to carry out the wishes expressed by her husband in the aforesaid will ; and whereas the said Dame Elise Cloutier has, by her petition, prayed that the said deed of sale be confirmed and it is in the interest of the said children that the prayer be granted ;

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

Certain sale confirmed.

**1.** The aforesaid sale of the properties hereinabove described, by the said Dame Elise Cloutier in favour of Philippe Richard, is confirmed and declared legal and valid to all intents and purposes, notwithstanding any

substitution, either formal or implied, under the aforesaid will of the said Wilbrod *alias* William Ouellet in favour of his said children; and the said Dame Elize Cloutier is authorized to receive the price of the said sale and give a discharge therefor, as if there had not been any substitution, upon condition that she accounts to her said children according to their rights under the said will.

2. This act shall come into force on the day of its sanction. Coming into force.

### C A P. C V I I I .

An Act to render valid, for the purposes of the law of the Province of Quebec respecting property and civil rights therein, the marriage solemnized between Odilon Mongenais and Marie Anny McMillan.

[Assented to 21st March, 1889.]

**W**HEREAS it has been represented, by petition, that, on the twelfth of March, eighteen hundred and seventy-eight, at the parish of Ste. Marie Magdeleine de Rigaud, in the county of Vaudreuil and Province of Quebec, the said Odilon Mongenais and Marie Anny McMillan, they being at the time, respectively, uncle and niece, were united in the holy bonds of matrimony, under a dispensation duly accorded by Monsignor Conroy, apostolic delegate of the Roman See, on the twenty-eighth of November, eighteen hundred and seventy-seven, in virtue of an indulgence duly granted by His Holiness, Pope Pius IX, under date of the fifteenth of August, eighteen hundred and seventy-seven; Preamble.

And whereas it further appears that the said parties have interests in certain real properties and civil rights in this Province which may be affected by the said marriage;

And whereas it is expedient to come to their relief and to grant the prayer of said petition;

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

1. It is hereby declared that, notwithstanding the provisions of article 126 of the Civil Code of Lower Canada, the marriage solemnized on the twelfth of March, eighteen hundred and seventy-eight, between Odilon Mongenais of the parish of Ste. Marie Magdeleine de Rigaud in the county of Vaudreuil in the Province of Quebec and Marie Anny McMillan of the same place, was and is legal Full civil rights given to certain parties married under dispensation.