



## CHAPTER 102

### An Act respecting the Estate of the late Honourable Joseph Masson

[Assented to, the 27th of March, 1941]

**WHEREAS** Raymond Masson, sculptor, of the city <sup>Preamble.</sup> of Outremont, district of Montreal; Joseph Maurice Bastien, advocate; Alphonse Millette, administrator, the last two of the city and district of Montreal; Roderick B. Masson, manufacturer, of the town of Terrebonne, district of Terrebonne, and Léon Masson, broker, of the city of Montreal, being all the testamentary executors and trustees of the properties of the estate of the late Honourable Joseph Masson, in his lifetime, merchant, of the city of Montreal, acting in their above-mentioned quality, have, by their petition, represented:

That they are the testamentary executors and trustees of the estate of the late Honourable Joseph Masson;

That by his will made before Mtre. C. E. Belle and colleague, on the 26th of December, 1845, the late Honourable Joseph Masson bequeathed all his properties in trust to the testamentary executors and trustees to be named in accordance with the provisions of his will;

That the testator further ordered that all the property which he left at his death was to be divided into as many parts as he left children; that all the revenues from the said property be capitalized for ten years after his death and, at the expiration of such period, delivery be made each year, to all his children of the age of majority, for their lifetime, of half the revenues derived from the property composing the share allotted to each of them, and also of half the revenues from the properties acquired by his testa-

mentary executors and trustees, either with the revenues realized by the latter from all the properties of the estate during the ten years following his death, or with the half of the revenues remaining at their disposal, after the expiration of such period of ten years, and that such revenues revert, after the death of each of his children, to the children born in legitimate marriage to each of them respectively, and be substituted from descendant to descendant, indefinitely, or as long as permitted by law;

That, moreover, the testator provided for the replacing of the testamentary executors and trustees appointed in the will for as long as might be necessary for the carrying out of the aforesaid dispositions and that he thus clearly expressed his intention to maintain indefinitely, if possible, the integrity of his estate and the seizin of his testamentary executors and trustees;

Whereas, in fact, the estate of the late Honourable Joseph Masson has, ever since his death, been administered by testamentary executors and trustees appointed under the provisions of his will;

Whereas at the time of the death of the testator the assets of the estate consisted largely of immoveables;

That in order to facilitate the partition and liquidation of the estate, the testamentary executors and trustees have, for several years, endeavoured to dispose of the immovable property of the estate whenever they could obtain a reasonable price; but because of the very unfavourable state of the market the number of sales they have been able to make has necessarily been restricted and in many cases, in order to avoid loss, they have had to acquire, by contract of giving in payment or otherwise, immoveables guaranteeing hypothecary loans made by them;

That by the act 2 George VI, chapter 137, the partition of the estate was postponed for a period of three years, but, during that time, conditions in the real estate market have become worse instead of better;

That consequently the assets of the estate still consist largely of immoveables;

Whereas it would be particularly disadvantageous, under present conditions, to sell the assets of the estate, especially the immoveables, by way of an action in partition and licitation;

That, furthermore, the maintenance intact of the mass of the estate is in accordance with the intentions of the testator who directed that the revenues of his

estate should revert and pass by substitution from descendant to descendant, indefinitely, or as long as the law would permit;

That, for these reasons, the testamentary executors and trustees pray that the partition of the properties of the estate be postponed;

Whereas it is expedient to grant the prayer contained in the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** No one may demand the partition of the property of the estate of the late Honourable Joseph Masson before the expiration of five years after the coming into force of this act. Delay for partition.

**2.** While and as long as the partition has not been made, the testamentary executors and trustees of the estate of the late Honourable Joseph Masson shall retain the seizin of the property comprising the said estate, with all the rights, powers and privileges conferred by the will governing the said estate. Seizin retained.

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

