



## CHAPTER 135

### An Act respecting the partition of the Estate of the Honourable Charles Wilson

[Assented to, the 14th of June, 1940]

**W**HEREAS Dame Annie Adèle Duchesnay, widow <sup>Preamble.</sup> of the late Doctor H. Desjardins; Dame Louise Duchesnay, widow of the late Damase Sincennes; both of the city and district of Montreal and grandnieces and usufructuary legatees of the late Honourable Charles Wilson; and Juchereau James Henry Starnes, cashier, of the city of Outremont, of the district of Montreal; Pauline Jacques, spinster, of the town of Longueuil, of the district of Montreal; Léo Ferdinand Jacques, salesman; Dame Marguerite Duchesnay, wife of George Tunstall, separated therefrom; de St. Denys Duchesnay, clerk; Dame Louise Desjardins, widow of the late Arthur Whelan; Dame Denise Sincennes, wife of Charles Burket; Dame Irene Sincennes, wife of Colin Whimbey, separated therefrom; and Dame Coline Sincennes, widow of the late Edward T. W. Howard; all of the city and district of Montreal; the latter nine being great grandnephews or great grandnieces, and universal legatees of the late Honourable Charles Wilson; and Dame Catherine Marguerite Perrault, of Varennes, of the district of Richelieu, grandniece and particular legatee of the late Honourable Charles Wilson, have, by their petition, represented:

That they constitute all the usufructuary legatees, and represent the overwhelming majority of all the legatees, of the late Honourable Charles Wilson in his lifetime of the city and district of Montreal and a member of the Senate of Canada, as established by

his notarial last will and testament dated at Montreal, the fifteenth of June, eighteen hundred and seventy-five, passed before *Maîtres* P. E. Normandeau and E. A. Panet, notaries public; and by two notarial codicils thereto: one made on the first of December, eighteen hundred and seventy-six, passed before *Maîtres* P. E. Normandeau and A. Brogan, notaries public, and the second made on the sixth of December, eighteen hundred and seventy-six, before *Maîtres* P. E. Normandeau and A. G. Isaacson, notaries public;

That the testator died sixty-three years ago, and since then his estate has been administered by testamentary executors who are charged to pay the revenue thereof to the usufructuary legatees or their representatives, to pay the legacies, and finally to distribute the capital among the universal legatees;

That it was the clear intention of the testator to benefit the legatees as much as possible, providing for their support so that they would not be left in want;

That the gross capital assets of the estate amount to four hundred and fifty-eight thousand three hundred and thirty-four dollars and ninety-four cents; with a net balance of assets according to the books of the estate amounting to three hundred and fifty-three thousand eight hundred and eighty-one dollars and eighteen cents;

That this estate has not been able to pay any benefit or annuity whatsoever to any of the heirs since 1933;

That a notable portion of the heirs and legatees find themselves in a precarious situation;

That the sole recourse of the heirs is to petition the Legislature to correct this anomaly;

That the number of the heirs cannot now increase;

That there now remain but two usufructuary legatees living, Dame Annie Adèle Duchesnay (Desjardins), seventy-six years old, and Dame Louise Duchesnay (Sincennes), seventy-four years old;

That these two sole usufructuary legatees have, by a notarial deed, expressly renounced all their rights and interests as usufructuary legatees in the estate, and fully consented to the immediate delivery of the capital assets of the estate to the universal legatees in absolute ownership;

That, moreover, a particular legacy of eight thousand dollars was made by the will whereby the revenue

thereof was payable to Catherine Flore Couillard, the niece of the testator, and the capital to her issue after her death;

That Catherine Flore Couillard died at ninety-one years of age, on October 25th, 1937, having as her sole issue, Dame Catherine Marguerite Perrault;

That Dame Catherine Marguerite Perrault, although she is now seventy-three years old, and without issue, has not yet received payment of the capital of her particular legacy;

That instead of carrying on the administration of this estate for an unknown number of years without appreciable benefit to the heirs who are in immediate need, it is now in the best interests of all the heirs, while respecting the true spirit of the will, to reduce the number of administrators, and to proceed as soon as possible to the partition of the estate and the final execution of the will;

That, at the request of the majority of the universal legatees, the present executors have manifested the desire to transfer the administration of the estate and the future execution of the will to persons chosen by the universal legatees;

That all, or at least the overwhelming majority of the heirs, support this legislation, and that the existing executors do not object thereto;

Whereas it is expedient to grant the prayer of the petitioners;

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

**1.** The partition of the estate of the late Honourable Charles Wilson and the final execution of his last will and testament and codicils thereto shall be made as provided for in section 5 of this act. How partition of estate made.

**2.** A sufficient sum shall be liquidated out of the assets of the estate, and laid aside, in order to provide for the payment of the annuities of one thousand dollars (\$1,000.00) per annum payable to each of the two sole remaining usufructuary legatees, Dame Annie Adèle Duchesnay (Desjardins) and Dame Louise Duchesnay (Sincennes), for the rest of their natural lives. Sum laid aside for annuities.

Executors  
authorized to  
pay legacy.

**3.** The executors of the estate are hereby empowered to pay to Dame Catherine Marguerite Perrault, sole issue of the late Catherine Flore Couillard, the legacy of eight thousand dollars (\$8,000.00) stipulated in her favour.

Residue of  
estate vested  
in the univer-  
sal legatees.

**4.** The absolute ownership of the entire residue of the estate shall be immediately vested in the universal legatees under the last will and testament.

Provisions  
for partition.

**5.** Notwithstanding the terms of the last will and testament and codicils, as well as the act 3 George VI, chapter 157, three responsible persons shall be appointed by notarial deed, by the majority of the universal legatees, within the two months that shall follow the sanction of this act, in order to proceed with the provisional or final partition of the assets of the estate, at their sole discretion, and the final execution of the last will and testament, within a delay of two years from and after the sanction of this act, or within any other additional delay ordered by one of the judges of the Superior Court of the district of Montreal, upon petition presented by the majority of the universal legatees.

Persons re-  
placing  
executors.

From and after the date of such appointment, such three persons shall fully replace the present testamentary executors, with all the rights, powers and privileges of the latter.

Idem.

In the event of the death or inability to act of any of these three persons, successors thereto may be appointed in the same manner.

Executors to  
render an  
accounting  
of their ad-  
ministration.

**6.** The present testamentary executors of the estate shall remain in office until their successors in office have been appointed, as stipulated in the preceding section, and, within four months of such replacement, they shall render an accounting of their administration of the estate to their said successors, who are authorized accordingly to grant valid discharge without other intervention.

Balance sheet  
to serve as  
basis for  
rendering  
account.

The balance sheet prepared by the auditors of the estate, dated the fourth of May, 1930, shall serve as a basis for such rendering of account. For the administration prior to that date, the balance sheets distributed to the heirs shall be deemed sufficient, and the present testamentary executors and their predecessors are, by this act, completely discharged.

**7.** All fees, costs, disbursements and expenses of <sup>Costs.</sup> this act and legislation for relief shall be charged to the mass of the said estate, including the costs incurred by the present testamentary executors in connection with the said act.

**8.** Section 1 of the Act respecting the Estate of the <sup>3 Geo. VI,</sup> Honourable Charles Wilson (3 George VI, chapter 157) <sup>c. 157, s. 1,</sup> is repealed. <sup>repealed.</sup>

**9.** This act shall come into force on the day of its <sup>Coming into</sup> sanction. <sup>force.</sup>

