



CHAPTER 137

An act respecting a deed of donation by [Mrs. R. W.
Reford

[Assented to, the 17th of May, 1940]

WHEREAS Elsie Stephen Meighen, wife separate Preamble.
as to property of Robert W. Reford, of the city
of Montreal, by the latter specially authorized; The
Royal Trust Company, and Nora Elspeth Harley, wife
of Kurt Hugoson Schubert, by the latter specially
authorized, of Saltsjobaden, Sweden, by their petition
represented:

That, on the 15th February, 1923, by deed of donation
executed before E. W. H. Phillips, N. P., the said Elsie
Stephen Meighen, wife separate as to property of
Robert W. Reford, of the city of Montreal, steamship
owner, did give and convey by way of donation *inter
vivos* to herself, the said Elsie Stephen Meighen, and the
Crown Trust Company, a body corporate having its
head office in the city of Montreal, as trustees, certain
securities and assets hereinafter referred to as "the
trust property";

That by the said deed of donation it was provided
that out of income and revenue the trustees should
pay three life annuities to the beneficiaries therein
named and totalling one thousand five hundred and
twenty dollars (\$1,520.00) per annum;

That at the present time two of the beneficiaries
are dead and the amount payable to the surviving
beneficiary (Mary McGrath, spinster, of Montreal)
amounts to four hundred and twenty dollars (\$420.00)
per annum;

That the deed provided that after the payments to the three life beneficiaries the balance of the income from the trust property, which is substantial, should be added to the capital and allowed to accumulate until the death of one Richard Osborne Harley of London, England, father of Nora Elspeth Harley, a niece of the donor;

That the said Nora Elspeth Harley was then a minor but has now attained the age of thirty-two years and is the wife of Kurt Hugoson Schubert, an engineer and Swedish subject of Saltsjobaden, Sweden;

That Richard Osborne Harley is now over sixty-five years of age;

That by the said deed the donor directed the trustees (after the death of Richard Osborne Harley) to pay to the said Nora Elspeth Harley all the income and revenue from the trust property after making the payments to such of the life beneficiaries as may be living;

That the fifth clause of the deed provides upon the death of the said Nora Elspeth Harley that the capital of the trust property shall become the property of her children or their issue representing them *par souche*, and should she die leaving no issue or descendants the capital shall from the time of her death belong to her three brothers or their issue but no division shall take place until after the death of Richard Osborne Harley;

That should the said Nora Elspeth Harley die leaving no children or descendants and leaving no brothers or issue representing them, the ownership of the trust property reverts to the donor or to her estate;

That the sixth clause of the deed provides that the capital of the shares which any beneficiary may be entitled to receive remains in the hands of the trustees for the benefit of the beneficiaries until they respectively attain the age of thirty years, and the revenues therefrom are to be used for their benefit, education and maintenance as deemed most advisable in the discretion of the trustees;

That, by judgment of the Superior Court for the district of Montreal rendered by the Honourable Mr. Justice F. J. Curran and dated the 3rd May, 1933, The Royal Trust Company was appointed as the second trustee under the said deed in the place and stead of the Crown Trust Company which subsequently resigned from the office of trustee;

That when the donor made the aforesaid donation Nora Elspeth Harley was a minor and unmarried and did not need the revenues from the trust property;

That Nora Elspeth Harley is the mother of two minor children issue of her marriage with Kurt Hugoson Schubert as well as of one child issue of a former marriage;

That the donor desires to remove any suspensive conditions which prevent benefactions from taking effect until the death of the said Richard Osborne Harley;

That the said Nora Elspeth Harley, wife of Kurt Hugoson Schubert, is presently in need of the revenues from the trust property (after payment of the said annuity to the surviving life beneficiary) in order to assist in meeting living expenses and to enable her properly to maintain and educate her children;

Whereas the petitioners have prayed for the passing of an act for the above purposes and it is expedient to grant the prayer of 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. From and after the 1st of January, 1940, no obligations and directions imposed upon the trustees under that certain deed of donation from Dame Elsie Stephen Meighen, wife separate as to property of Robert W. Reford, executed before E. W. H. Phillips, N. P., on the 15th of February, 1923, under the number 9213 of his records, shall depend upon the duration of the life of Richard Osborne Harley, Doctor of Medicine, London, England, and the said trustees, or their successors in office, may give effect to the provisions of the said deed of donation as if nothing therein contained had been postponed until the death of the said Richard Osborne Harley.

Obligations,
etc., not dependant upon
duration of
life of R. O.
Harley.

2. The costs of this act shall be paid out of the accumulated revenues of the trust property held by the trustees under the said deed of donation.

Costs.

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

Coming into
force.

