



CHAPTER 154

An Act respecting the Estate of the late Jean Baptiste Eugène Letellier

[Assented, to the 28th of April, 1939]

WHEREAS Luc Letellier, of Quebec, testamentary Preamble.
executor, Mrs. Antonio Dumais née Letellier, of
Quebec, legatee, Antonio Dumais, of Quebec, to authorize
his wife, and the General Trust of Canada, testamentary
executor, have, by their petition, represented:

That on the fourteenth day of April, 1928, Jean Baptiste
Eugène Letellier, of the city of Quebec, made his will before
Notaries Ernest Labrecque and Henri Turgeon, of the city
of Quebec;

That the said Jean Baptiste Eugène Letellier died, at
Quebec, on the seventh day of the month of October, 1930;

That, by this will, he appointed his wife, Dame Clara
Ouellet, his testamentary executrix for her lifetime and, at
her death, Mr. Lucien Letellier and Mr. Joseph Sirois,
notary, instructing them to associate with themselves a
trust company, the appointment of which was to be made
by notarial deed;

That Dame Clara Ouellet died on the 10th of November,
1933;

That, on the 13th day of July, 1935, the said Joseph Sirois,
notary, by deed passed before Laurent Lesage, notary,
renounced the office of testamentary executor;

That, on the 23rd day of April, 1938, before Claude
Taschereau, notary, Lucien Letellier, one of the testamen-
tary executors, as authorized by the will, appointed as joint

testamentary executor the General Trust of Canada, a lawful corporation having its corporate seat of business in Montreal and a business office in Quebec;

That an inventory of the property of the estate has been made before Claude Taschereau, notary;

That it is expedient, as doubts have arisen, to have it stated and declared that the property of which the General Trust of Canada has taken possession, as a result of the inventory, is the only property which it shall have to administer and for which it must render account in its capacity of testamentary executor;

That, by the terms of the will, Cécile Letellier, wife of Antoine Dumais, had the enjoyment of an immovable property with the house thereon erected, bearing the No. 576 of the official plan and book of reference of the cadastre of St. Joseph de Beauce, of which she was institute with charge to hand over to her children;

That, on the 14th day of September, 1934, she, with the authorization of her husband, sold, ceded and conveyed the rights which she had affecting the lot, before T. H. Nault, notary, of Montreal, and that by agreement with Joseph Daigle, contractor and joiner, of Thetford Mines, it was convenanted that the house be demolished and that the said Dame Dumais and Joseph Daigle would divide between them the price of sale of the materials;

That Mrs. A. Dumais thus received nine hundred and seventy-nine dollars and forty-eight cents;

That this transaction did not affect the rights of the substitutes as to the land, by reason of the provisions of article 949 of the Civil Code, but that doubts have arisen as to the legality of the transaction respecting the house which has been demolished;

That it is expedient to ratify this transaction, subject to the said Cécile Letellier Dumais handing over to her father's estate, out of her yearly revenues, such sum of nine hundred and seventy-nine dollars and forty-eight cents whereof she shall, however, have the usufruct;

That, in accordance with the powers which she claimed to have under the will, Dame Clara Ouellet Letellier, wife of the testator, in her capacity of executrix,

has distributed, in addition to the particular legacies, to the said Dame Cécile Letellier Dumais and to Mr. Lucien Letellier, a sum amounting to eighty-four thousand dollars each;

That it is expedient to have the distributions of capital so made to her children by Clara Ouellet Letellier, wife of the testator, declared valid for all legal purposes; and

Whereas the petitioners have prayed for an act for the above purposes and it is expedient to grant their prayer;

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

1. The distributions of capital made by Clara Ouellet Letellier, in her capacity of testamentary executrix of the estate of Jean Baptiste Eugène Letellier, to her children Cécile Letellier Dumais and Lucien Letellier, amounting to eighty-four thousand dollars each, are hereby confirmed and ratified. Ratification of certain distributions of capital.

2. As regards the present testamentary executors and their successors, the said succession shall be deemed to have opened on the 19th of July, 1938, the date of the notarial inventory of the property of the said estate, made before Claude Taschereau, notary, on the 19th of July, 1938. When succession deemed to have opened.

3. The sale of the materials from the house built on the immovable bearing No. 576 of the official plan and book of reference of the cadastre of St. Joseph de Beauce, made by Cécile Letellier Dumais, duly authorized by her husband Antoine Dumais, to Joseph Daigle, contractor and joiner of Thetford Mines, is hereby ratified and confirmed for all legal purposes, subject, however, to the said Dame Cécile Letellier Dumais paying to the testamentary executors of the estate of Jean Baptiste Eugène Letellier the sum of nine hundred and seventy-nine dollars and forty-eight cents, which sums shall form part of the capital of the estate, but the revenue whereof shall be payable to the said Dame Cécile Letellier Dumais. Ratification of certain sale. Proviso.

4. The costs, expenses and disbursements for this act shall be payable out of the capital of the estate. Costs of act.

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

