



## CHAPTER 156

### An Act respecting the Estate of the late Alphonse Valiquette

*[Assented to, the 30th of March, 1939]*

**W**HEREAS Dame Germaine Bazin, wife, contractually Preamble.  
separate as to property, of Edouard Valiquette,  
dentist, of the city and district of Montreal, has, by her  
petition, represented:

That the late Alphonse Valiquette died on the 14th of June, 1935, and, by will passed before J. Eugène Prieur, notary, on the 20th of April, 1935, bequeathed all his moveable and immoveable property to four fiduciaries, to wit: Cordélia Larose, his wife; Charles René Kieffer, vicar; Edouard Valiquette and his wife, the petitioner; these fiduciaries to be the administrators and depositaries of the said property for the benefit of the universal legatees and for the carrying out of the provisions of his will;

That the estate of the said late Alphonse Valiquette is almost entirely composed of immoveables;

That clause 3 of the said will reads as follows:

"My said fiduciaries shall be entitled to choose a person or individual to carry on for them the administration of the immoveable property of my estate, that is to say, attend to the collection of rents, the repairs, the leasing and even the executing of leases if my said fiduciaries authorize such person to that effect respecting the said leases; and I suggest to them for the carrying out of such duties, Mr. Thomas Duchesne who now attends to these matters with me, or the person who may be discharging such duties at the time of my death; and in such case my estate shall pay to the person so appointed a percentage of not more

than seven per cent of the gross revenues of my estate, payable in the manner decided upon between my fiduciaries and such person”;

That the said Thomas Duchesne was administrator for only six months and afterwards resigned and was replaced by Mr. Paul Emile Maillet;

That the said Paul Emile Maillet does not wish to continue to act as administrator of the said property and he also has tendered his resignation;

That the said fiduciaries above mentioned desire to choose a person amongst themselves to administer the immoveable property of the said estate according to the terms of the said clause 3 of the said will, with the remuneration mentioned therein;

That doubts have arisen as to the validity of such a choice and it is desired to have it interpreted, confirmed and enacted that in virtue of the said clause 3 of the said will the fiduciaries have the right to choose one of themselves to administer the immoveable property of the said estate, which shall pay to such person a percentage of not more than seven per cent upon the gross revenues of the said estate;

That it appears from the very terms of the said will that the testator had unlimited confidence in the said fiduciaries and that if he suggested the said Duchesne as administrator it was because he was acting in the matter at that time with him, as indeed he so stated in his said will;

That it would be to the advantage of all those interested for the fiduciaries to have the right to choose one amongst themselves to administer the said immoveable property of the estate and, even if, in virtue of the said clause 3, such choice were illegal and the said fiduciaries had not the right to do so, it would be in the interest of all, equitable and right to amend the said clause 3, third paragraph, so as to permit and give to the said fiduciaries the right to make such choice under the conditions mentioned in the said clause;

Whereas the petitioner has prayed for the passing of a special act to interpret clause 3 of the will of the late Alphonse Valiquette and to enact and declare that in virtue of the said clause the fiduciaries named in the said will have and shall have the right to choose any one amongst themselves to administer the immoveable property of the

said estate, which estate shall pay such person a percentage of seven per cent upon the gross revenues of the said estate; and

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.** Clause 3, paragraph 3, of the authentic will of the late Alphonse Valiquette, drawn up and passed before J. Eugène Prieur, notary, on the 20th of April, 1935, which is <sup>Interpreta-  
tion of certain  
clause of cer-  
tain will.</sup> in the following terms,—

“3. . . My said fiduciaries shall be entitled to choose a person or individual to carry on for them the administration of the immoveable property of my estate, that is to say, attend to the collection of rents, the repairs, the leasing and even the executing of leases if my said fiduciaries authorize such person to that effect respecting the said leases; and I suggest to them for the carrying out of such duties, Mr. Thomas Duchesne who now attends to these matters with me, or the person who may be discharging such duties at the time of my death; and in such case my estate shall pay to the person so named a percentage of not more than seven per cent of the gross revenues of my estate, payable in the manner decided upon between my fiduciaries and such person;”—  
shall allow the fiduciaries to choose one of themselves to administer the immoveable property of the estate of the late Alphonse Valiquette, and the said fiduciaries, in virtue of the said clause now have and shall have the right to choose a person, who may be any one of themselves, to administer the immoveable property of the said estate which shall pay to such person a percentage of not more than seven per cent upon the gross revenues of the estate, payable in the manner decided upon between the fiduciaries and such person.

**2.** Nothing in this act shall in any way be deemed a <sup>Interpre-  
tation.</sup> contestation of any portion of the contents of the will of the late Alphonse Valiquette, in the terms of clause 13 of the said will.

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

