



CHAPTER 157

An Act respecting the Estate of the Honourable Charles Wilson

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

WHEREAS Marie Angelique Duchesnay (Dame Marie Preamble.

A. Jacques), widow of the late Doctor Napoléon Jacques, of the town of Longueuil of the district of Montreal; Annie Adele Duchesnay (Dame A. A. D. Desjardins), widow of the late Doctor H. Desjardins, of the city and district of Montreal; Louise Duchesnay (Dame L. D. Sincennes), widow of the late Damase Sincennes, of the city and district of Montreal; all three usufructuary legatees of the estate of the late Honourable Charles Wilson, and grandnieces of the said deceased and testator; 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, of the city and district of Montreal; Marguerite Duchesnay (Dame Marguerite Tunstall), wife of George Tunstall, separated therefrom, of the city and district of Montreal; de St. Denys Duchesnay, clerk, of the city and district of Montreal; Louise Desjardins (Dame Louise Desjardins Whelan), widow of the late Arthur Whelan, of the city and district of Montreal; Denise Sincennes (Dame Denise Sincennes Burket), wife of Charles Burket, of the city and district of Montreal; Irene Sincennes (Dame Irene Sincennes Whimbey), wife of Colin Whimbey, separated therefrom, of the city and district of Montreal; and Coline Sincennes (Dame Coline Sincennes Howard), widow of the late Edward T. W. Howard, of the city and district of Montreal; the latter nine all universal legatees of the said estate, and great grandnephews or great grandnieces of the said deceased and testator, have, by their petition, represented:

That they constitute all the usufructuary legatees, and represent the overwhelming majority of the universal legatees, of the estate of the late Honourable Charles Wilson in his lifetime of the city and district of Montreal and a member of the Senate of Canada, all acting in their capacities as legatees established by the notarial will of the late Honourable Charles Wilson, 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 in eighteen hundred and seventy-seven, and bequeathed all his moveable and immoveable property to be held and administered by his testamentary executors in trust for the purposes of his will;

That the property of the estate has now been held in trust for sixty-two years by the testamentary executors, who are charged to pay the revenue thereof to the usufructuary legatees or their representatives, and finally to distribute the capital among the rightful universal legatees;

That the capital assets of the estate, according to the last financial statement as of May 4th, 1938, issued on behalf of the testamentary executors and manager of the estate, now amount to four hundred and sixty-three thousand six hundred and eight dollars and twenty-one cents (\$463,608.21) including therein immoveable properties taken at their book value of four hundred and thirty thousand, two hundred and ninety-five dollars and thirty-six cents (\$430,295.36);

That the annual rentals charged on the said properties for the fiscal year ending May 4th, 1938, amounted to forty-one thousand, nine hundred and fifty-six dollars and three cents (\$41,956.03);

That up to the year 1933 the usufructuary legatees and their representatives received regular annuities and benefits from the estate; in particular the three usufructuary legatees now living each receiving the sum of about sixteen hundred and seventy dollars (\$1,670.00) per year on which they depended as their means of existence;

That in the year 1933, all annuities and benefits were stopped, and the legatees were told by the testamentary executors that they would have to look for help outside the estate;

That under the present administration of the estate none of the legatees have received any benefit or annuity whatsoever from the estate for almost six years, since the year 1933;

That under the present administration of the estate with the cost thereof, no benefits or annuities are expected or promised in the circumstances for the future;

That it was the clear intention of the testator to provide for the alimentary support of the usufructuary legatees throughout their lives, and to benefit the universal legatees as much as possible;

That there remain only three usufructuary legatees now living, to wit: Marie Angeline Duchesnay (Dame Marie A. Jacques), aged eighty-two years; Annie Adele Duchesnay (Dame A. A. D. Desjardins), aged seventy-five years; and Louise Duchesnay (Dame L. D. Sincennes), aged seventy-three years; who are all left without adequate means of support since the year 1933, when the annuities ceased to be paid by the estate;

That, as a result of this cessation of payment of annuities, two of the three usufructuary legatees, in particular Annie Adele Duchesnay (Dame A. A. D. Desjardins) and Louise Duchesnay (Dame L. D. Sincennes), have been forced in their dire need to seek alimentary support from the Government, and both are now regularly receiving Old Age Pensions in the Province of Quebec as their sole and restricted means of existence;

That all the usufructuary legatees consent to, and support, this legislation;

That all, or at least the overwhelming majority, of the rightful universal legatees in this estate consent to, and support, this legislation;

That among others, in particular, and besides the said petitioners: Philip Duchesnay Jacques, salesman, of the city of Toronto of the Province of Ontario; Marie Tracey (Dame Marie Tracey Anglin), wife of Basil Anglin, of the city of New York of the State of New York of the United States of America; Charles Tracey, gentleman, of the city

of Albany of the State of New York of the United States of America; Philip Duchesnay Tracey, manager, of the city of Albany of the State of New York of the United States of America; John Tracey, architect, of Nassau of the Bahamas; Philip Louis Granville Duchesnay, farmer, of the town of Kevissville in the Province of Alberta; Gwendoline Duchesnay (Dame Gwendoline Duchesnay Schultz), wife of Fred Schultz, of the city of Calgary of the Province of Alberta; Auguste Juchereau Duchesnay, clerk, of the city of Seattle of the State of Washington in the United States of America; Philip Patrick Duchesnay, unemployed, of the town of Nonaimo of the Province of British Columbia; Irene Duchesnay (Dame Irene Duchesnay Moody), wife of Alfred Moody, unemployed, of the city of Calgary of the Province of Alberta; and Lucille Wilson (Dame Lucille Wilson Roberts), wife of C. N. Roberts, of the city of Los Angeles in the State of California, in the United States of America; all eleven universal legatees of the said estate, and great grandnephews or great grandnieces of the said deceased and testator, and all absent from the Province of Quebec, have authorized, approved of, and consented to, this legislation;

That all the universal legatees are well on in life, being between the ages of fifty-nine and thirty-four years of age;

That a large number of the universal legatees are presently without adequate means of existence, many being unemployed, and several receiving unemployment relief from different governments;

That it is expedient and in accord with the true spirit of the will of the testator that this legislation be granted; and

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:

Authoriza-
tion to pay
monthly
sums.

1. From and after the 1st of April, 1939, inclusively, the testamentary executors, administrators and fiduciaries of the estate of the Honourable Charles Wilson are authorized to and must pay to Dame Louise Sincennes, Dame Annie Desjardins and Dame Marie Jacques during their lifetime, to each of them, a sum of fifty dollars per month, in advance, on the first day of every month.

2. The universal legatees of the estate shall select, by the majority in value of them, a business man to act as an ^{Additional} ~~testamentary~~ ^{executor.} additional testamentary executor of the said estate and who shall receive the same remuneration as the other testamentary executors.

3. The testamentary executors are authorized to pay ^{Payment of} ~~the legal or other~~ ^{costs.} out of the assets of the mass of the estate the legal or other costs incurred for the passing of this act, including the costs incurred by the testamentary executors on the occasion of its presentation.

4. This act shall come into force on the day of its ^{Coming into} ~~sanction.~~ ^{force.}

