



CHAPTER 136

An Act respecting the Estate of the late Dame Hélène
Beaune, widow of Joseph Prosper Major

[Assented to, the 8th of April, 1938]

WHEREAS the Reverend Adélard Harbour, priest-canon Preamble.
of the archbishopric of Montreal, Adrien Bélanger,
notary, residing in Montreal, and J. Laurent, A. Lefebvre,
without profession, residing at 721 Laporte Street, Mon-
treal, acting in their capacity of sole testamentary executors
of the estate of the late Dame Hélène Beaune, widow of
Joseph Prosper Major, in their lifetime of the city of West-
mount, have, by their petition, represented;

That the late Dame Hélène Beaune, widow of Joseph
Prosper Major, in their lifetime of the city of Westmount,
died on the 25th of March, 1935, leaving a holograph will
executed on the 11th of June, 1934, and homologated, in
the Superior Court of this Province, sitting in and for the
district of Montreal, on the 16th of April, 1935;

That, by her will, the said Dame Hélène Beaune, appoint-
ed the petitioners her testamentary executors;

That, by her will, the said Dame Hélène Beaune, after
having made certain particular legacies, gave to her tes-
tamentary executors power to divide the balance of her
property, with power to sell her immoveable property with-
in the three years following her death, at the price of or
over the municipal valuation, as appears in clause 15 of
the said will which reads as follows:

“15thly. The balance of my property, I request my tes-
tamentary executors to divide same between the hospitals
or hospices of Montreal which they shall deem most deserv-

ing of attention, and I also request them to sell my properties within the two years following my death (not more than three years) and not to sell below the municipal valuation”;

That doubts have arisen as to the validity of the legacy contained in clause 15 of the said will, and that, in order to release them from personal responsibility, the testamentary executors of the estate of the late Dame Hélène Beaune desire to have the legacy contained in clause 15 of the said will confirmed;

That the estate of the said Dame Hélène Beaune is composed almost entirely of immoveables which could not be sold owing to the decrease in value of the immoveables and that, consequently, the payment of the particular legacies could not be proceeded with;

That the delay of three years granted by the testatrix to the testamentary executors for the sale of the immoveables expires on the 25th of March, 1938, and that it would be expedient to extend such delay;

That it would be to the advantage of all those interested, particular legatees as well as residuary legatees, that the testamentary executors be empowered to sell the immoveables at such price as they shall deem reasonable, but not under sixty-five per cent of the municipal valuation; 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:

Deemed
a valid
fiduciary
legacy.

1. Clause 15 of the holograph will of the late Dame Hélène Beaune, widow of Joseph Prosper Major, executed on the 11th of June, 1934, and homologated in the Superior Court of this Province, sitting in and for the district of Montreal, on the 16th of April, 1935, which clause reads as follows:—“15thly. The balance of my property, I request my testamentary executors to divide same between the hospitals or hospices of Montreal which they shall deem most deserving of attention, and I also request them to sell my property within the two years following my death (not more than three years) and not to sell below the municipal valuation”—, constitutes a valid fiduciary legacy, in favour of the testamentary executors who are hereby authorized to divide between the hospitals or hospices of Montreal, which they shall deem most deserving of attention, the residue of the property of the said estate.

2. The testamentary executors may, after the delay granted by the testatrix, continue the administration of the property of the said estate and sell the immoveables of which it is composed. Administration continued.

3. The testamentary executors may sell the immoveables of the said estate at such price as they shall deem reasonable, but which must not be less than sixty-five per cent of the municipal valuation. The said immoveables must, however, be sold on or before the 1st of January, 1942. Selling of immoveables. Proviso.

4. The estate shall pay the costs, expenses and fees incurred for the passing of this act. Payment of costs, etc.

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

