



CHAPTER 138

An Act respecting the Estates of the late Honourable Ulric
Joseph Tessier and Dame Marguerite
Adèle Kelly, his wife

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

WHEREAS Henri Tessier, of the city of Quebec, civil Preamble.
employee; Dame Lucie Tessier, widow of E. Halde-
man Dennison, of the city of Quebec; Dame Jeanne Tes-
sier, wife contractually separate as to property of Henri des
Rivières, duly authorized by the latter, of the city of Que-
bec; Ulric Geo. Tessier, of the city of Quebec, broker;
Dame Juliette Duchesnay, of the city of Quebec, wife con-
tractually separate as to property of Don Ugo Ferretti, of
Italy, duly authorized for the purposes hereof by a judge
of the Superior Court of the district of Quebec, in the ab-
sence of her husband; Dame Marguerite Duchesnay, wife
contractually separate as to property of William A. Jan-
nitsch, of the city of London, England, duly authorized
by him; Dame Aline Verge, wife contractually separate as
to property of Hector Cimon, civil engineer, duly authoriz-
ed by the latter, both of the city of Quebec, and Charles
Auguste Chauveau, of the city of Quebec, advocate, have,
by their petition, represented:

That, in virtue of their holograph wills dated September
3rd, 1884, and codicils, duly probated and registered, the said
Ulric Joseph Tessier, of the city of Quebec, in his lifetime
judge of the Court of Queen's Bench, and Dame Margue-
rite Adèle Kelly, his wife, created a substitution bequeath-
ing the revenues of their properties to their children during
their lifetime subject to delivering the said properties to
their grandchildren as substitutes upon the death of the last
survivor of their children, the division of the capital of the
said properties to be made between the grandchildren by
root and not by head;

That they are the only substitutes living, grandchildren of the said Ulric Joseph Tessier and of Dame Marguerite Adèle Kelly, his wife;

That they have been advised that, according to the said wills, the great grandchildren of the testators, as well as the descendants of the great grandchildren, are entitled to the share of their father or mother deceased at the time of the partition of the properties of the said estates which has to be made between the descendants of the children of the testators by root, but that doubts have arisen as to the true interpretation to be given to the wills;

That they desire to have the interpretation made to them of the said wills, as contained in the foregoing paragraph, confirmed by the Legislature of Quebec;

That they are the only persons interested in this matter;

That it is necessary and expedient that an act be passed for such purpose;

That the institutes of the said substitutions agree that the costs of this act be paid out of the capital of the said properties;

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

Disposal of
property upon
final partition
of Tessier-
Kelly Estates.

1. Upon the final partition of the properties composing the assets of the estates of the late Honourable Ulric Joseph Tessier and Dame Marguerite Adèle Kelly, his wife, the great grandchildren of the said testators whose father or mother is deceased, or dies between the date of the sanction of this act and the date of the said partition, or the children of the said great grandchildren, if such great grandchildren have died leaving children, shall receive the share of the said properties which would have devolved to their father or mother, if he or she had been living at the time of the opening of the substitution and of the final partition which must be made by root between the descendants of the children of the testators.

Costs of act.

2. The costs of this act shall be paid out of the capital of the properties of the substitution.

Coming into
force.

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