



## CHAPTER 126

### An Act respecting the estate of the late Dame Fortunate Blanchard

*[Assented to, the 20th of April, 1934]*

**W**HEREAS Dame Berthe MontBriant, wife separated Preamble.  
as to property of Ernest Gohier, civil engineer, Dame  
Olda MontBriant, wife separated as to property of Armand  
Sicotte, civil engineer, and Dame Germaine MontBriant,  
wife separated as to property of Norwood Corbett, engineer,  
have, by their petition, represented:

Whereas, by her will of October 30th, 1919, received  
before Maître Apollinaire Archambault, notary, under  
the number 9749 of his minutes, Dame Fortunate Blan-  
chard, wife of L. Roch MontBriant, bequeathed to the  
latter all her property, with the stipulation that any  
remaining at the death of her husband would belong to her  
children, to wit: the said Dames Berthe, Olda and Ger-  
maine MontBriant and Raoul Roger MontBriant; that  
the said testatrix died on the 24th of February, 1920, and  
the said L. Roch MontBriant, on the 18th of March, 1923;  
that, at the death of the said L. Roch MontBriant, there  
remained the immoveables bearing cadastral numbers 533  
and 534 of St. James Ward, in the city of Montreal, and  
civic numbers 1268, 1270, 1272, 1278, 1280, 1282, 1284,  
1286 and 1288 of St. André street, belonging to the estate  
of the said Dame Fortunate Blanchard, and, in addition, a  
hypothecary claim to the amount of two thousand five  
hundred dollars bearing hypothec on the parts of immove-  
ables P 754 and P 755 of the subdivision of lot number  
4669 of the parish of Montreal, certain monies and other  
moveables; that to execute her will the testatrix appointed  
her said son Raoul Roger with power extending beyond  
the year and one day and until his death to administer

the property, to sell same and make any investment guaranteed by first hypothec or in the purchase of immoveables, but no immoveable to be sold without the consent of his sisters, the revenues to be distributed each year between himself and his sisters or representatives, and the division of the capital to be made only on the death of the said Raoul Roger MontBriant; that the said Raoul Roger MontBriant, having become incapable of filling his duties of testamentary executor owing to sickness, was replaced by Armand Sicotte, Ernest Gohier and Norwood Corbett, by judgment of the Superior Court, rendered on the 5th of November, 1925; that, in the month of April, 1926, the liquid assets of the estate were composed of a sum of seventeen thousand five hundred and sixty-two dollars and seventy-six cents, including the said hypothecary claim of two thousand five hundred dollars; that the legatees considered that, owing to the sickness of the said Raoul Roger MontBriant and the needs of his family, he should be allowed a part of the capital, and the parties made a division of the said sum of seventeen thousand five hundred and sixty-two dollars and seventy-six cents among themselves, that of two thousand five hundred dollars being included in the share of the said Raoul Roger MontBriant; that the immoveable hypothecated as guarantee for the said sum of two thousand five hundred dollars having been sold by the sheriff, the other legatees, through the intermediary of Armand Sicotte, purchased the said immoveable in order to protect such hypothecary claim of two thousand five hundred dollars; that the revenues from the immoveables of the estate have diminished considerably and that the value of the said immoveables has also diminished; that the share of the revenues coming to the said Raoul Roger MontBriant is not sufficient for his needs; that there is no hope that the said Raoul Roger MontBriant will recover his health and that it is in his interest and in that of the other heirs that the division be made now; that the said immoveables could not easily be divided in kind and that in default of a division by agreement they must be sold, the share of the said Raoul Roger MontBriant in such case consisting of one-quarter of the proceeds of the sale of the said immoveables and of the said sum of two thousand five hundred dollars;

Whereas, in addition, doubts have arisen as to whether the testamentary executors have the same powers as had the said Raoul Roger MontBriant under the will of the testatrix, and it is expedient to remove such doubts; and

Whereas it is expedient to pass an act for the above purposes;

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

1. The testamentary executors of the estate of the late Dame Fortunate Blanchard, wife of the late L. Roch MontBriant, to wit: Armand Sicotte, Ernest Gohier and Norwood Corbett, or their successors in office, have power to divide by agreement without judicial authorization and with the assistance of the curator to the said Raoul Roger MontBriant or to sell by mutual agreement, and when they may deem expedient, the immoveables of the estate of the said Dame Fortunate Blanchard, to wit: the immoveables bearing numbers 533 and 534 of the cadastre of St. James Ward, in the city of Montreal, and bearing civic numbers 1268, 1270, 1272, 1278, 1280, 1282, 1284, 1286 and 1288 of St. André Street, for such price and upon such charges, terms and conditions as they shall deem just and reasonable, provided that the sale price of each immoveable be not less than the amount of the municipal valuation entered on the roll in force at the time of the sale, and that the daughters of the testatrix then living and the curator to be appointed according to law to represent the said Raoul Roger MontBriant consent thereto. Powers of testamentary executors.

The sale price of the said immoveables shall be divided between the legatees mentioned in the will of the said Dame Fortunate Blanchard received before Maître Apollinaire Archambault, notary, on the 30th of October, 1919, under the number 9749 of his minutes, as they shall be received, but the share coming to the legatee Raoul Roger MontBriant out of the proceeds of the sale of the said property as well as the sum of two thousand five hundred dollars mentioned in the preamble of this act shall be paid over to the said curator who shall administer and invest them according to law for the benefit of the said Raoul Roger MontBriant until the death of the latter, or until he be restored to health. If the net revenues of such share be not sufficient to provide for the needs of the said Raoul Roger MontBriant, the said curator may use the capital of his share to the extent he may deem necessary. The said curator is authorized to pay out of the share of the said Raoul Roger MontBriant all debts which the latter may owe. The said curator shall be entitled for his services to an annual fee of one hundred dollars. Division of certain sale price.

The division made by the legatees amongst themselves of the sum of seventeen thousand five hundred and sixty-two dollars and seventy-six cents, mentioned in the preamble of this act, is ratified. Ratification of certain division.

Costs, etc.

**2.** The costs, expenses and fees incurred for the passing of this act and for the appointment of the said curator shall be charged to the capital of the estate.

Coming into  
force.

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