



CHAPTER 165

An Act respecting the estate of the late Eusèbe Labelle

[Assented to, the 15th of March, 1933]

WHEREAS Messrs. Eugène Labelle, Arthur Labelle and Preamble.

Joseph Labelle, all three manufacturers, of Pont-Viau; Dame Alexandrine Labelle, wife of Andronic Gravel, and Rose Alba Labelle, spinster, of the age of majority, the two last of the city and district of Montreal, all in their capacity of heirs of the late Eusèbe Labelle, in his lifetime manufacturer, of Pont-Viau, have, by their petition, represented:

That by his will dated 30th of June, 1924, passed before J. B. Latour, notary, the said Eusèbe Labelle, after making certain particular legacies to his children, among whom are the petitioners, bequeathed to them the residue of all his properties, as institutes in the substitution, with obligation to deliver them at their deaths to their children by roots at the date of their respective deaths, for their children to enjoy and dispose thereof in full ownership, after the death of their *auteur*, institute in the substitution;

That, for the execution of the said will, the said Eusèbe Labelle chose two of his sons, namely: the said Eugène and Arthur Labelle, with power to act beyond the year and day fixed by the law, to sell the moveable and immoveable property of the estate, with the concurrence and consent of the institutes and substitutes to the said substitution, of age, and capable of contracting, or with the concurrence and consent of the majority of them, without calling upon tutors or curators for minors or interdicts;

That the said testamentary executors, Arthur and Eugène Labelle, with the consent of their brother and all their sisters, resigned their office of testamentary executors, and were replaced by the General Trust of Canada, a legally

constituted corporation, having its principal establishment in the city of Montreal, and René Morin, of the city and district of Montreal;

That the said testator also gave to his said testamentary executors the most ample powers of administration, amongst others, power to divide the surplus of the revenues of the estate among his six children, in equal shares and portions, every two months from the date of his death, and further, to make advances to one or more of his children to such amount as they deem just, out of the share coming to each of his six children, in the yearly revenues of his estate;

That the said Eusèbe Labelle died on the 13th of July, 1924, leaving six children, among them, the above-mentioned petitioners;

That the intention of the said testator, when he made his will, was to secure for his children, out of the revenues of his estate, sufficient sums to enable them to live suitably, the balance to be given to his grandchildren;

That the institute legatees of the estate are poor, and the petitioners are now in need;

That the present revenues of the estate, part whereof consists of interest-bearing investments, and the other part of farms and vacant land unproductive of sufficient revenue to cover the charges on same, do not permit of the testamentary executors distributing to the institute legatees sufficient sums to enable them to live suitably;

That certain immoveables are in urgent need of repairs, and, for the proper administration of the estate, it is necessary to rebuild certain immoveables to derive more revenue therefrom;

That the revenues of the estate are insufficient to meet such expenditure;

That, without the passing of a special act, the testamentary executors cannot distribute among the legatees, sufficient sums to enable them to live suitably and cannot expend the sums necessary for the urgent rebuilding and repair of certain immoveables; and

Whereas it is expedient to pass an act for such purpose;

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

Withdrawal
of certain
sum from
capital ac-
count.

1. The General Trust of Canada is authorized to take, out of the capital account of the said estate, a sum not exceeding two thousand dollars for the urgent improvement, repair, and rebuilding of immoveables of the estate.

2. The said General Trust of Canada is authorized to ^{Payment to} pay to each of the institute legatees, from the capital of ^{legatees.} the estate, the sum of six hundred dollars per annum, payable in monthly instalments of fifty dollars each, and this for three years counting from the date of the coming into force of this act.

3. The estate shall pay the costs, disbursements and ^{Payment of} fees incurred for the passing of this act, and the testamen- ^{costs.} tary executors shall deduct the amount thereof from the capital of the estate.

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