



CHAPTER 165

An Act respecting the estate of the late Eusèbe Labelle

[Assented to, the 20th of March, 1930]

WHEREAS Messrs. Eugène Labelle, Arthur Labelle Preamble.
and Joseph Labelle, all three manufacturers of Pont-Viau, parish of Saint Vincent de Paul, Dame Alexandrine Labelle, wife of Andronic Gravel, and Rose Alba Labelle, spinster, of the age of majority, the three last of the city of Montreal, all in their capacity of heirs of the estate 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 and witnesses, the said Eusèbe Labelle, after making certain particular legacies to his children, the petitioners, bequeathed to them the residue of all his property, as institutes in the substitution, with obligation to deliver them at their death to their children by roots at the date of their respective death, 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 immovable 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, notwithstanding the above, the said testator declared that he wished, at the expiration of ten years from his death, his said institute legatees, then living, to have the right to take and receive, out of the capital of his

property, a sum of five thousand dollars, for each of them, the said sum to be the absolute property of each of his said children;

That the said testator also gave to his said testamentary executors the most ample powers of administration, amongst others, after paying the charges, taxes, etc., which affected his said immoveables included in the residuary legacy, out of the yearly revenues of his estate, to divide the surplus of said revenues 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, the amount of such advances to be retained out of the debtor's share at each partition;

That, notwithstanding the above, the said testator ordered his testamentary executors to capitalize the net annual revenues of his estate, until they would have in hand a sufficient amount to discharge the debts of his estate, even hypothecary debts, the partition of the revenues of his estate only to begin when all the debts of the said estate had been entirely paid;

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

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;

That since the death of the said Eusèbe Labelle, the testamentary executors of the estate, in conformity with the testamentary provisions of the said testator, have not yet been able to pay any revenue to the said institute legatees, as the yearly revenues from the estate have always been insufficient to meet all the debts of the estate;

That, moreover, the greater portion of the property composing the said residuary legacy up to this year consisted of immoveables not built upon, the small revenues from which scarcely covered the charges affecting the said immoveables;

That, however, during this year, the General Trust of Canada, in its capacity of testamentary executor of the said estate, with the concurrence of the majority of the heirs, succeeded in selling some immoveables of the estate

for an amount of about seventy-two thousand dollars, paid in cash, less, however, a sum of seventeen thousand dollars for which the immoveables were affected;

That this sale was a very advantageous and unexpected transaction for the estate;

That the net proceeds of the said sale, about fifty-five thousand dollars, were duly reinvested by the said General Trust of Canada, and yields about three thousand dollars of revenue;

That the other revenues of the said estate about balance the present charges of the estate, so that the present net revenue of the estate is about three thousand dollars per annum;

That in order to comply with the testamentary provisions above mentioned, the testamentary executors of the estate, the General Trust of Canada, should continue to capitalize the revenues of the estate, until the repayment to the capital of the estate of the said sum of seventeen thousand dollars, which affected the immoveables sold, and which have been deducted, as aforesaid, from the price of sale of seventy-two thousand dollars;

That the institute legatees of the estate are poor, and some of them even in need;

That it is expedient for all the said legatees, even urgent for some of them, that the payment of the capital sum of five thousand dollars, payable ten years after the death of the testator, be anticipated, and that such capital sum, also payable to the said legatees, be increased to a sum of ten thousand dollars;

That it is also expedient for all the legatees, and even urgent for some of them, that the net annual revenue of the estate be divided at once among them, and that the legatees be dispensed with providing for the payment to the capital of the estate of the said sum of seventeen thousand dollars, out of the said annual revenue;

That the General Trust of Canada, testamentary executor of the said estate, in no way opposes this petition;

That the curator to the said substitution raises no objection to the present petition;

Whereas it is expedient to pass an act to supplement the testamentary provisions of the said late Eusèbe Labelle;

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

Capital sum payable to legatees. **1.** The capital sum of five thousand dollars, payable to the legatees, institutes in the substitution of the said estate of the late Eusèbe Labelle, ten years after his death, shall be payable to the said legatees from the date of the sanction of this act.

Testamentary executor authorized to pay annual net revenues to legatees. **2.** The General Trust of Canada, in its capacity of testamentary executor of the estate of the late Eusèbe Labelle, is authorized to pay in the future to the said legatees, institutes in the substitution, all the annual net revenues of the said estate, starting from the sanction of this act, notwithstanding any provisions to the contrary contained in the will of the said late Eusèbe Labelle.

Costs, etc., how to be paid and deducted. **3.** The estate shall pay the costs, disbursements and fees incurred for the passing of this act, and the testamentary executors shall deduct the amount thereof from the capital of the estate.

Coming into force. **4.** This act shall come into force on the day of its sanction.