



CHAPTER 143

An Act respecting the estate of the late Honourable
Joseph Masson

[Assented to, the 4th of April, 1929]

WHEREAS Albert Pancrace Lespérance, bank manager, Preamble.

Joseph Maurice Bastien, advocate, and Alphonse Milette, administrator, all of the city and district of Montreal, and Raymond Masson, sculptor, of the city of Outremont, in the said district, being all the testamentary executors and trustees of the properties of the estate of the late Honourable Joseph Masson, in his lifetime, merchant, in the said city of Montreal, acting in their above capacity, have, by their petition, represented:

That they are the testamentary executors and trustees of the estate of the late Honourable Joseph Masson;

That by his will made before Mtre. C. E. Belle and colleague, on the 26th of December, 1845, the late Honourable Joseph Masson bequeathed all his properties in trust to the testamentary executors and trustees to be named in accordance with the provisions of his will;

That the testator further ordered that all the moveable and immoveable property which he left at his death was to be divided into as many equal parts as he left children; that all the revenues from the said property be capitalized for ten years after his death and, at the expiration of such period, delivery be made to all his children of the age of majority, for their lifetime, of half the revenues derived from the property composing the share attributed to each of them, and also of half the revenues from the properties acquired during the ten years following his death, as well as from those acquired with the other half of the revenues from the properties composing the respective shares, and that such revenues revert, after the death of each child, to the children born in legitimate marriage to each of them

respectively, and be substituted from descendant to descendant, indefinitely, or as long as the law permits:

That, moreover, the testator provided for the replacing of the testamentary executors and trustees appointed in the will for as long as the substitution created as aforesaid should last and that he thus clearly expressed his intention to maintain indefinitely, if possible, his estate entire and the seizin of his testamentary executors and trustees;

That in fact the estate of the late Honourable Joseph Masson has ever, since his death, been administered by testamentary executors and trustees appointed under the provisions of his will;

That it is in the interest of the estate to better define the powers of the testamentary executors and trustees, with respect to the acquiring of the hereditary shares which certain heirs wish to dispose of;

That, for several years, the testamentary executors and trustees have tried to dispose of the immoveable property of the estate, in order to facilitate a division and liquidation thereof; but the assets of the estate consist still, largely, of immoveable property and it would be very prejudicial under present circumstances to make a division of any or of all the lots composing the estate;

That with a view to ending the difficulties which have arisen as to the execution of the trust by the executors and trustees entrusted by Hercule Masson under the terms of a deed executed before Mtre. V. Morin, N.P., on the 4th of July, 1919, these latter have agreed to resiliate this deed and that it is necessary to confirm and ratify this resiliation;

That all the parties interested in the resiliation have consented to the passing of this act;

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:

No partition
before two
years.

1. No one may demand the partition of the property of the estate of the late Honourable Joseph Masson before the expiration of two years after the coming into force of this act.

Costs of act.

2. The estate of the late Honourable Joseph Masson shall pay the costs and disbursements incurred by the petitioners and the parties represented for the passing of this act.

3. The deed of cancellation of trust passed between Hercule Masson and Raymond Masson *et al*, on the 11th of February, 1929, before Lucien Morin, N. P., under number 4320 of the minutes of said notary, is ratified and confirmed according to its form and tenor and declared legal and valid for all legal purposes.

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