

C H A P. 142

An Act respecting the estate of the Honourable Charles Wilson

[Assented to, the 3rd of April, 1925]

WHEREAS Tancrède Bienvenu, residing in the city of Preamble.

Westmount, banker; Paul Lacoste, residing in the city of Outremont, advocate and King's Counsel; Edward Cholette, notary, and Joseph Charles Beauchamp, accountant, the last two residing in the city of Montreal, all four testamentary executors, universal legatees, trustees and administrators of the estate of the late Honourable Charles Wilson, in his lifetime, senator, and residing in the city and district of Montreal, and acting in their said capacity, have, by their petition, represented:

That they are the testamentary executors, universal legatees, trustees and administrators of the said estate jointly with Brigadier-General Alfred E. Labelle, of the city of Montreal, now absent from Canada;

That they were so appointed and act as such under various deeds of appointment and acceptance passed before notaries at Montreal, in accordance with the will of the late Honourable Charles Wilson, dated at Montreal, the fifteenth of June, eighteen hundred and seventy-five, passed before Messrs. P. E. Normandeau and E. A. Panet, notaries public, and in virtue of the codicils to the said will: one made on the first day of December, eighteen hundred and seventy-six, before Messrs. P. E. Normandeau and Anthony Brogan, notaries public, and the other, dated the sixth of December, eighteen hundred and seventy-six, before Messrs. P. E. Normandeau and Alfred G. Isaacson, notaries;

That the said Honourable Charles Wilson bequeathed to them in their said capacity, all his moveable and immoveable property, to be held and administered by them beyond a year and a day and until the full execution of the will, with power to alienate the said property and to invest the proceeds;

That the said Honourable Charles Wilson so bequeathed his property to them with charge to pay the revenue and usufruct thereof to certain nephews and nieces of the testator, during their lifetime, the ownership of the said property being given to the descendants of the said usufructuary legatees;

Whereas by a judgment of the Lords of the Privy Council, sitting at London in England, dated the 18th of October, 1923, in an action for partition in which Dame Mary

M. Duchesnay was plaintiff, Philippe Duchesnay *et al.*, to the number of 42, were defendants, and the Honourable Sir Alexandre Lacoste *et al.*, in their capacity, were impleaded, the costs of all parties, as well those of the appeal to the Privy Council as those of the lower courts, were adjudged against the mass and have to be taken out of same, that is to say, from the capital of the estate;

That at the moment the estate has not the funds disposable, belonging to the principal, to meet the amount of these costs, and it is necessary in order to provide for the payment of such amount by means of loans upon promissory notes or otherwise until a favourable opportunity for the estate to advantageously acquire the funds by the sale of one or more properties of the estate;

That the power to borrow to the extent of twenty thousand dollars to meet gross repairs and all other demands, granted by the act 8 George V, chapter 140, is exhausted, and it is necessary to authorize the testamentary executors to borrow in one or more amounts a total additional sum not to exceed six thousand dollars;

That the said will was made in 1875 and the estate opened in 1877;

That it is doubtful from the terms of the said will whether the testamentary executors have power to borrow and hypothecate and pledge the moveable and immoveable property of the estate;

That in the interest and for the proper administration of the affairs of the estate it is necessary that the testamentary executors be legally authorized to borrow all sums necessary not to exceed a total amount of forty-one thousand dollars: (a) to pay off the amount of the costs incurred in the above mentioned suit; (b) to meet the gross repairs and for any other eventuality where it would be necessary to borrow for the benefit and in the interest of the estate;

Whereas it is expedient to grant the prayer of the petitioners;

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

Borrowing
power.

1. The testamentary executors and administrators of the estate of the Honourable Charles Wilson, and their successors in office, shall have power to borrow in one or more amounts, by promissory notes or otherwise, for the purposes hereunder, in their said capacity of testamentary executors and administrators, and to bind the estate for the repayment of the said loans in principal, interest and costs, the amount of such loans not to exceed the total

sum of forty-one thousand dollars, in addition to the loans already authorized by the act 8 George V, chapter 140.

2. The said loans shall be used (a) to pay the amount Use of loans. of the costs of all the parties, with interest, of the appeal to the Privy Council, as well as the costs in the lower courts, incurred in the action for partition in which Dame Mary M. Duchesnay was plaintiff and Philippe Duchesnay and others, defendants, and the Honourable Sir Alexandre Lacoste and others, in their capacity, were impleaded (*mis en cause*), according to the judgment of the Lords of the Privy Council, sitting at London in England, dated the 18th of October, 1923; (b) to pay for gross repairs.

3. The lender shall not be obliged to see to the employ- Lender no ment of the sums so borrowed. liable.

4. The said testamentary executors and administrators Authoriza- and their successors are authorized to hypothecate, for the tion to hy- above purposes, immoveables of the said estate, and the pothecate. hypothecs so made shall be valid as against the legatees, whether institutes or substitutes, usufructuaries or proprietors, under the above will and codicils.

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

CHAP. 143

An Act to authorize the testamentary executors of the estate of the late Gaspard Archambault, senior, to borrow under certain conditions

[Assented to, the 4th of March, 1925]

WHEREAS Joseph Archambault, King's Counsel, of Preamble. the city of Outremont, and Gaspard Archambault, civil engineer, of the city of Montreal, in their capacity of testamentary executors and fiduciary administrators of the estate of the late Gaspard Archambault, senior, in his lifetime, physician, of the city of Montreal, have, by their petition, represented:

That Gaspard Archambault, senior, made his will in authentic form on the 5th of June, 1902, before Maître F. Samuel McKay and Maître Victor Morin;

That the said Gaspard Archambault died on the 14th of June, 1904;

That, by a judgment of the Superior Court of the district