

C H A P. 147

An Act respecting the estate of the late Martha Greenfield

[Assented to, the 15th of March, 1924]

WHEREAS Thomas Palmer Howard, of the city of Preamble.

Westmount, and Robert Howard, of the city of Montreal, in their qualities of residuary fiduciary legatees and testamentary executors under the last will and testament of the late Martha Greenfield, in her lifetime of the city of Montreal, widow of the late Frederick Hortan, in his lifetime of the same place, have, by their petition, represented:

That the late Martha Greenfield, in her lifetime of the city of Montreal, widow of the late Frederick Hortan, in his lifetime of the same place, died, at the city of Montreal, on the 30th day of January, 1922, having executed her last will and testament on the 6th day of July, 1914, before Mtres. Joseph C. Barlow, and Lionel Joron, notaries public, residing and practising in the city and district of Montreal;

That after making provision for certain specific legacies the said testatrix disposed of and dealt with the residue of all her property by the terms and provisions of paragraph seven (7) of her said will, which paragraph directed and provided as follows:

"7. I name and appoint, as my residuary fiduciary legatees and also as testamentary executors of this, my last will and testament, Thomas Palmer Howard, of the city of Westmount, manager, and Robert Howard, of the said city of Montreal, insurance agent, to whom also I transmit and hand over the residue of all the property moveable and immoveable of any nature or kind whatsoever of which I may die possessed and which will compose my estate and succession, in order that they may take possession of and administer the same, in trust, as soon as possible after my decease, for the purpose of building a sanitarium for the use of Protestant girls and women affected with tuberculosis or to build a wing to any established Protestant institution for the cure of tuberculosis; the upkeep of said sanitarium or wing to be provided for by public subscription. It being my wish and I hereby will and ordain that the said sanitarium or wing be used as a place of residence and treatment and not for treatment only of those affected with the said disease of tuberculosis and that it be free of all charges whatsoever to the patients thereof. Said sanitarium or wing to bear the name of "Greenfield Memorial.";

That at the time of making her said last will and testament and at the time of her death the testatrix was the

owner of an immoveable property situated on Metcalfe street, in the city of Montreal, more fully described as follows:

"That certain piece or parcel of land with the dwelling house and buildings thereon erected, situate in the St. Antoine Ward of the said city of Montreal, being a portion of the lot known on the official plan and in the book of reference of said ward as No. 1441, containing twenty-two feet nine inches in width in front and in rear by one hundred feet in depth, English measure and more or less, without warranty as to the measurement, bounded in front by Metcalfe street, in rear by a lane of eighteen feet in width, on one side to the northwest by another portion of said lot purchased by the widow Hastings, and on the other side to the southeast by another portion of said lot No. 1441, with the right of passage in the lane in rear and to the northwest of said lot, with the appurtenances thereto.";

That the said property is presently hypothecated as security for the repayment of a sum of six thousand dollars, in virtue of a deed of loan from the trustees for Dame Mabel Gertrude Allan, wife of Colin A. M. Campbell, to the late Frederick Hortan, passed before John Fair, N. P., on the 11th day of June, 1897, and duly registered under the No. 129,738, payment of which amount is presently overdue;

That the said property is the only immoveable property among the assets which comprised the estate of the said late Martha Greenfield, and is in fact the only asset comprising the residue of the said estate referred to in paragraph 7 of the will above cited;

That doubts have been expressed as to the authority of the said fiduciary legatees and executors to sell and dispose of the said immoveable property and it is necessary and expedient to quiet, dispel and remove such doubt;

That the revenues from the said estate are insufficient to enable the said fiduciary legatees and executors to maintain the said immoveable property and pay the taxes and assessments thereon and the interest on the above mentioned loan secured by hypothec and the capital of said loan which is presently overdue, and the said fiduciary legatees and executors are, moreover, without sufficient funds to pay to the Province of Quebec, the succession duties payable in respect of the said estate;

That unless the said fiduciary legatees and executors are authorized, in their said qualities, to sell and dispose of the said immoveable property, it will ultimately be brought to forced sale for taxes or in satisfaction of the said hypothecary claim, and the said fiduciary legatees and

executors in such event will be unable to protect or realize the interest and equity of the said estate in the said immoveable property;

That it appears from the terms and provisions of the said last will and testament that it was clearly the desire and intention of the testatrix that her said residuary fiduciary legatees and executors should sell and dispose of the said immoveable property and utilize the net proceeds thereof for the purpose of building a tuberculosis sanatorium for the use of Protestant girls and women afflicted with this disease, or for building a wing to an already established Protestant institution for the cure of tuberculosis;

That the assessed and real value of the said immoveable property is twenty-one thousand, four hundred dollars, and the residue of the proceeds of the said immoveable property, after payment of the debts and liabilities of the estate, will not be sufficient to enable the said fiduciary legatees and executors to utilize same literally as directed by the testatrix under the seventh paragraph of her will above cited, "for the purpose of building a sanatorium for the use of Protestant girls and women afflicted with tuberculosis, or to build a wing to any established Protestant institution for the cure of tuberculosis";

That the Royal Edward Institute, a Protestant institution for the cure and treatment of those affected with tuberculosis, is willing to enter into an agreement with the said fiduciary legatees and executors to receive from them the net proceeds of the said immoveable property comprising the residue of said estate as above mentioned, and to acquire therewith the necessary land and buildings in the Laurentian mountains to operate during the summer months a camp for the cure and treatment of tubercular children attending the outdoor school of the said Royal Edward Institute, such property and buildings to be called and known as the "Greenfield Memorial";

That the said late Martha Greenfield during her lifetime was interested in the welfare of said Royal Edward Institute;

That in paying and handing over to said Royal Edward Institute the net proceeds of the residue of the estate to be used and applied in the manner hereinabove referred to the said fiduciary legatees and executors will be giving effect, so far as the net residue of her estate permits, to the wishes of the said late Martha Greenfield as disclosed by the provisions of her said last will and testament;

And whereas the said fiduciary legatees and executors have prayed for the passing of an act authorizing them in their said qualities to sell and convey the said property hereinabove described and to dispose of the net proceeds

in the manner hereinabove set forth, and it is expedient to grant such prayer;

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

Sale of certain property authorized.

1. The residuary fiduciary legatees and testamentary executors under the last will and testament of the late Martha Greenfield or their successors in office are hereby authorized and empowered in their said qualities to sell and convey the said immoveable property for such price and upon such terms and conditions as they may deem expedient, and to receive the portion of the price of any sale payable to them and to give a valid acquittance and discharge therefor.

Authorization to dispose of proceeds of sale.

2. The said residuary fiduciary legatees and testamentary executors or their successors in office are further authorized and empowered in their said qualities to dispose of the net proceeds of the sale of the said immoveable property, after making provision for all registered claims against the said property, by handing over and paying same to the Royal Edward Institute with the stipulation and on condition that such net proceeds shall be employed by the said the Royal Edward Institute in acquiring the necessary land and buildings in the Laurentian mountains to operate during the summer months a camp for the treatment of tubercular children under the care of the said the Royal Edward Institute, such property and buildings to be called and known as the "Greenfield Memorial"; provided, however, that no purchaser of the said immoveable property shall in any way be bound to see to the disposition of or employment for such purpose of any portion of the purchase price of the said immoveable property.

Costs.

3. The costs, charges and disbursements in connection with the passing of this act shall be deemed a debt of and shall be payable by the said estate.

Coming into force.

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