

## C H A P. 144

An Act respecting the Fiduciary Donation and Estate  
of the late Honourable Trefflé Berthiaume

[Assented to, 8th of March, 1922]

## Preamble.

**W**HEREAS Arthur Berthiaume, of Outremont; Edouard Berthiaume, of Montreal; Dame Angelina Berthiaume, wife separate as to property of Mr. Pamphile R. DuTremblay, advocate, of Montreal, hereunto authorized by the latter; Dame Helmina Berthiaume, wife separate as to property of Joseph Rivest, of the city of Montreal, hereunto authorized by the latter, and Miss Anna Berthiaume, of the full age of majority, of Montreal, have, by their petition, represented that the late Honourable T. Berthiaume, in his lifetime, Legislative Councillor, of Outremont, died on the 2nd January 1915, leaving a will, made on the 23rd of June, 1913, by which, with the exception of a particular legacy, he left all his property to the petitioner Arthur Berthiaume, his eldest son, as fiduciary legatee with ample powers, the revenues from his property to be divided among his children and descendants by roots, the property to belong to his great-grand-children by roots, the fiduciary legatee, being empowered to appoint co-trustees to act with him, such appointment being always subject to revocation by him;

That on the 26th December 1914 the said T. Berthiaume made a fiduciary gift *inter vivos* to the petitioner Arthur Berthiaume, Joseph R. Mainville, notary, and Zénon Fontaine, advocate, the two latter being of Montreal, of seven thousand four hundred common shares in the capital stock of the "La Presse Publishing Company Limited", being almost the whole of the said common shares, which alone, according to the rules of the said company, have the right to vote, with a reservation of the usufruct by the donor, the revenues, after his death, to belong to his children, the partition of the property to be made between the descendants of the donor living at the time of the death of the last of his children of the first degree;

That in this donation it is provided that the petitioner Arthur Berthiaume must always be president of the said company during good conduct; that it is also provided that any vacancy in the position of trustee by death, resignation or otherwise, shall be filled by a person appointed by a judge of the Superior Court after convocation of the beneficiaries in possession of their rights, residing in the Province, and of the legal representatives, residing in the Province, of the absent or the incapable;

That doubts have arisen as to the validity of the fiduciary donation of the 26th December 1914;

That the trustee J. R. Mainville died on the 31st of May last;

That, on the 23rd of November last the Honourable Judge Mercier, of the Superior Court, appointed P. R. DuTremblay as one of the trustees under the above mentioned donation of the 26th December 1914, in place of the late J. R. Mainville;

That doubts have arisen as to the final character of this judgment;

That it is advisable for all the interested parties that these doubts should be dispelled without delay;

Whereas the petitioners consequently ask that the fiduciary donation in question be confirmed, that the appointment of P. R. DuTremblay as trustee to the donation by the judgment above mentioned of the Honourable Judge Mercier be declared final, and that the deed of the 26th. September last appointing Mr. P. R. DuTremblay and Mr. Z. Fontaine joint testamentary trustees for ten years, with Mr. Arthur Berthiaume, son of the said late T. Berthiaume, be also confirmed;

And 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:

**1.** The fiduciary donation of the 26th December, 1914, <sup>Confirmation of certain fiduciary donation.</sup> before Joseph L. Girouard, notary, by the Honourable Trefflé Berthiaume, in his lifetime Legislative Councillor, of Outremont, in favour of Arthur Berthiaume, J. R. Mainville and Zénon Fontaine in trust, is confirmed and declared valid for all legal purposes.

**2.** The judgment of the Honourable Judge Mercier of <sup>Judgment declared final.</sup> the 23rd of November 1921, by which Mr. P. R. Du Tremblay is appointed as successor to the late J. R. Mainville as trustee of the fiduciary donation by the late T. Berthiaume, of the 26th December, 1914, is declared final for all legal purposes.

**3.** The costs incurred for the passing of this act shall <sup>Costs, how paid.</sup> be paid by the trustees of the donation in their said quality.

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

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