

to be so made, and the proceeds of the said sales shall be paid to the said bank, which is empowered to deduct from the said proceeds the amount of the said calls to be thus made.

Sales to be
valid and
legal.

4. The said sales so made shall be valid and legal, and neither the said bank nor the purchasers of the said shares so sold shall incur any responsibility in consequence of the said sales. The purchasers especially shall not be obliged to see to the employment of the proceeds, provided the purchase price shall have been paid in accordance with sections 2 and 3 of this act.

Costs of
this act.

5. The costs and fees incurred in connection with the passing of the present act shall be borne equally by each of the said Paul de Roberval Ouimet, Miss Eugénie Ouimet, Miss Marie Ouimet, and Aldric Ouimet, and the proportion of each shall be added to the amount to be covered by the first sale of shares to be effected, and the said proportions shall be paid to the proper party by the said bank out of the proceeds of the said sale, on presentation of the accounts duly approved by the four interested parties.

Coming into
force.

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

CHAP. 156

An Act respecting the estate of John Parker

[Assented to, 17th of March, 1919]

Preamble.

WHEREAS the Reverend Victor Thérien, priest, and Bertha Parker, wife of Alphonse S. Pelletier, advocate, all of the city of Lachine; the first two in their quality of testamentary executors of John Parker, in his lifetime, contractor, of the parish of Lachine; and the said Bertha Parker, wife of Alphonse S. Pelletier, advocate, of the city of Lachine; Caroline Parker, wife of Alfred Donovan, jeweller, of the city of Montreal; Annie Parker, wife of Edward Millaire, physician, of the city of Montreal; Rose Parker, wife of Anatole Carignan, manager, of the city of Lachine, residuary legatees of the said John Parker, have, by their petition, represented:

That, by his will made before James Lonergan, N.P., and Odilon Crépeau, N.P., at Montreal, on the 12th March, 1904, and by his first codicil before James Lonergan, N.P.,

and J. Théophile Legault, N.P., at Montreal, on the 28th June, 1907, and by his second codicil received before the said James Lonergan, N.P., and J. Théophile Legault, N.P., at Lachine on the 10th August, 1907, the said John Parker disposed of the greater portion of his property by particular legacies, in favour of his four daughters, the said Bertha Parker, Caroline Parker, Annie Parker and Rose Parker, whom he appointed as his sole residuary legatees;

That the testator stipulated in his codicils that the said legatees should receive out of the revenues of the property of his estate only a monthly allowance, as follows: Rose Bertha Parker, twenty-five dollars, and after the debts of the testator are paid, all the revenues of the property bequeathed to her; Mary Caroline Parker, Marie Annie Parker, Marie Rose Parker, fifteen dollars until the debts of the testator were paid, and afterwards twenty-five dollars per month until each of them attained the age of thirty-five years, when they would receive all the revenues of the property bequeathed to them, and, from and after the date at which each of the said legatees was to come into the enjoyment of all the revenues of the property bequeathed to her, she was to provide for the payment of taxes imposed upon the immoveables and keep them insured against fire, and in a good state of repair;

That as the legal advisors—being consulted on the question as to whether the revenues of the property bequeathed to the three youngest legatees: Marie Caroline Parker, Marie Annie Parker, Marie Rose Parker, until they attained respectively the age of thirty-five years, was to form a common fund divisible between the four residuary legatees or be administered separately and kept for each of the legatees of the immoveables producing such revenues separately, — do not agree upon the interpretation of this provision of the said codicil, and, in order to avoid lawsuits, to have their respective rights to the said revenues determined, and to maintain friendliness between them, the said four residuary legatees, by deed of transaction between them, passed before Mr. J. S. Ashby, N.P. at Lachine, on the 30th of October, 1915, and served upon the testamentary executors, agreed that the revenues of the property bequeathed to Marie Caroline Parker, Marie Annie Parker, Marie Rose Parker by the said will and codicils, which have accrued since the payment of the debts due by the testator at his decease and those which may accumulate until each of them has respectively attained the age of thirty-five years and enters into the enjoyment and possession of the property to her bequeathed, shall be deemed to form a common fund, out of which the charges imposed by the testator in connection with the same property and the cost of

administration of his estate, shall be paid, and the residue shall belong to and be divided between Rose Bertha Parker, Marie Caroline Parker, Marie Annie Parker and Marie Rose Parker in four parts as follows: one-seventh to Rose Bertha Parker, two-sevenths to Marie Caroline Parker, two-sevenths to Marie Annie Parker, two-sevenths to Marie Rose Parker, when Marie Rose Parker shall have attained the age of thirty-five years, or before then, in monthly allowances, and they authorized and required the testamentary executors to so allot and pay the said revenues, declaring that by so doing, they would deem such partition and disposition as a faithful execution of the will and codicils regarding such revenues;

That the testamentary executors have combined all revenues of the administered properties and have paid the expenses of administration out of the common fund without reference to whence the accumulated funds came;

That by the testator's first codicil, it is stipulated that the properties and revenues from municipal debentures and immoveables bequeathed to his said heiresses shall not be transferable;

That the testator died at Lachine on the 14th September, 1907, without having revoked his said will and codicil above-mentioned;

That the testator's debts have been paid for many years;

That, by his will and codicils, the testator appointed the Reverend Joseph Télesphore Savaria, parish priest of Lachine, and the said Bertha Parker, his two sole testamentary executors with powers beyond a year and a day;

That the said Reverend J. Télesphore Savaria died on the 1st December, 1916, and was replaced as testamentary co-executor under the said will and codicils by the said Victor Thérien;

That the said testamentary executors, Victor Thérien and Bertha Parker, are still acting as such, and that their office cannot end before the year 1926 when the youngest of the legatees, Marie Rose Parker, shall have reached the age of thirty-five years;

That the four legatees of the testator are married, and three of them have children living;

That the said Marie Caroline Parker, Marie Annie Parker and Marie Rose Parker have represented that the monthly allowance of twenty-five dollars which they are authorized to receive under the said codicils is not sufficient to allow of their living properly and in accordance with their condition in life;

That, since the death of the testator, the cost of living

has considerably increased, and the revenues from the property bequeathed to them are sufficient to allow of additional monthly allowances being paid to them;

That the testamentary executors recognize that the increased monthly allowance is justifiable, and, being authorized by the said deed of transaction of the 30th October, 1915, they have since then paid to the three legatees, Marie Caroline Parker, Marie Annie Parker and Marie Rose Parker, an additional allowance of fifty dollars per month, and to Rose Bertha Parker, to put her on an equal footing in accordance with the provisions of the said deed, an allowance of twenty-five dollars per month in anticipation of the final partition of the revenues paid into the fund;

That, notwithstanding the said deed of transaction of the 30th October, 1915, the testamentary executors could not and cannot legally pay the additional allowance of the said four legatees without being thereto authorized by an act;

That, owing to the prohibition to alienate contained in the said codicil, it is doubtful whether the deed of transaction of the 30th October, 1915, can be valid unless ratified by an act:

That it is expedient to ratify and legalize the said deed of transaction and the payments made in virtue thereof;

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

1. The deed of transaction between Rose Bertha Parker, Marie Caroline Parker, Marie Annie Parker, Marie Rose Parker before Mr. J. S. A. Ashby, N.P., at Lachine, on the 30th October, 1915, and the above-mentioned monthly payments of twenty-five dollars to Rose Bertha Parker and fifty dollars to Marie Caroline Parker, Marie Annie Parker, and Marie Rose Parker, each, are ratified and declared legal for all lawful purposes.

Deed of transaction, validated.

2. In future, and until Marie Rose Parker has attained the age of thirty-five years, the testamentary executors may pay, out of the revenues of the property bequeathed to Marie Caroline Parker, Marie Annie Parker and Marie Rose Parker accumulated in their hands until each of them attained the age of thirty-five years, the following additional monthly allowances, namely: to Rose Bertha Parker, twenty-five dollars, to Marie Caroline Parker, fifty dollars, to Marie Annie Parker, fifty dollars, and to Marie Rose Parker, fifty dollars.

Additional allowances to heirs.

3. All the costs incurred for obtaining the passing of this

Costs of act

against
estate.

act shall be charged to the said estate, and shall be payable out of the revenues mentioned in the foregoing section.

Coming into
force.

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

C H A P. 157

An Act respecting the estate of the late Isaïe Racine

[Assented to, 4th of March, 1919]

Preamble.

WHEREAS Amédée Racine, farmer, of the parish of Verchères, acting in his capacity of testamentary executor and administrator of the property comprising the estate of the late Isaïe Racine, in his lifetime merchant, of the parish of Verchères, has, by his petition, represented:

That, by his will made on the 24th of September, 1890, before E. E. Chagnon, notary, the late Isaïe Racine, merchant, residing in the parish of Verchères, bequeathed all his property to the children born and to be born of the marriages of Wilfrid, Amédée and Philomène Racine, wife of Philibert Brodeur, and all three children of the said testator;

That the latter have had the administration of such property and are bound to divide it among the grandchildren of the said testator at their age of majority, and when they shall have brought up all their children; in this division of money interest and interest on interest shall be included;

That the testator ordered that the moneys which he might leave at his death should be invested every year in order thus to increase;

That the testator willed that the said Amédée, Wilfrid and Philomène Racine shall inherit from their children who may die while minors the legacies bequeathed to them by his said will, but that the estate of the testator's grandchildren thus deceased shall pass to all the said testator's other grandchildren and be divided among them by heads;

That it was stipulated that, in case some of the said grandchildren should marry while minors and die leaving children born of these marriages, such grandchildren be considered as his other grandchildren and share with them in the legacies and provisions of his will abovementioned;

That the late Isaïe Racine died at Verchères, on the 29th day of July, 1894;

That Amédée Racine is now sixty years old and father