

of the Superior Court or by the testamentary executors or trustees remaining in office.

**3.** The costs incurred for the passing of this act shall be at the charge of the estate, and may be paid out of the capital of the same. Costs to be charged to capital of estate.

**4.** This act shall apply to the proceedings now pending for the appointment of an executor to replace the late Honourable Judge Louis Onezime Loranger. Application.

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

## C H A P . 144

An Act respecting the estate of the late Samuel Finley

[Assented to 9th February, 1918]

**W**HEREAS Frederick Gault Finley, Doctor of Medicine; Preamble.

Frank Dawson Adams, Ph. D., Dean of the Faculty of Applied Science, McGill University, and William Copeland Finley, merchant, all of the city and district of Montreal, in their quality of executors and trustees under the last will and testament of the late Samuel Finley, in his life-time merchant, of the same place, passed before C. Cushing, and colleague, notaries public, on the 21st day of May, 1902, have by their petition represented:

That the said Samuel Finley died at Montreal aforesaid on the 1st day of September, 1903, without having revoked or modified in any way his said last will and testament;

That by article numbered five of his said last will and testament, the said late Samuel Finley bequeathed to his sister, Matilda Finley, widow of the late Reverend G. W. Patchell of South Australia, an annuity of three hundred pounds sterling and, after her death, the interest on four thousand pounds sterling to her family at the rate of six per centum per annum, giving his executors the right, at their discretion, to pay a portion, not exceeding one thousand pounds, of the said capital, should Mrs. Patchell or her family show that it would be greatly to their advantage to have such portion, and, in the event of such payment, giving his nieces, to wit: the daughters of the said Mrs. Patchell, the right to dispose by last will and testament of one-third each of the balance of said capital of four thousand pounds, and in default of so doing, the

said portion of capital to go to the lawful issue of such nieces, or, failing issue, then by accretion to the surviving nieces;

That the family of the said Mrs. Patchell consists of four children, to wit: one son, Frederick William Patchell of Adelaide, South Australia, and three daughters, Miss Mary Emma Patchell of Wayville (Adelaide) South Australia, and Miss Annie Maud Patchell and Miss Margretta Marian McArthur Patchell, both of Malvern (Adelaide) South Australia, and it having been shown to have been to the great advantage of Mrs. Patchell and her family, the executors of the said will paid one thousand pounds of the capital of the said bequest to the said son, Frederick William Patchell, in full settlement of his share in said bequest, and received and now hold a full and final discharge from him therefor, so that there remain in the hands of the said executors three thousand pounds, being the balance of the said bequest which belongs to the said three daughters under the conditions aforesaid;

That the said Mrs. Patchell has died since the said payment of one thousand pounds to her son, and each of her said daughters is of the full age of majority and unmarried;

That the said executors desire to pay the said balance of capital to the said daughters of the late Mrs. Patchell, who are willing to receive it;

That doubts have arisen as to whether the said executors can now validly pay to the said Misses Patchell the balance of the said bequest, and whether they can give a valid and final receipt for the same, and it is to the advantage of all concerned that the said doubts be dispelled and the executors be authorized and empowered to pay the said balance to the said Misses Patchell and to obtain from them a final receipt and discharge therefor;

That furthermore by article numbered seventeen (17) of his said last will and testament the said late Samuel Finley devised as follows:

"(17) As to the rest, residue and remainder of my estate, if any there be, I desire my executors and trustees to allot and dispose of the same as soon as convenient after my decease, as follows, to wit:

"To my said son, Frederick Gault Finley, M.D., ten per cent thereof.

"To my said daughter, Mary Stuart Adams, ten per cent thereof.

"To my said daughter, Emma Maud McArthur, ten per cent thereof.

"To my said daughter, Margretta Leila Finley, ten per cent thereof.

"To my said daughter, Kathleen Ethel Finley, ten per cent thereof.

"To my said son, Samuel Arnold Finley, five per cent thereof unless he should have previously married, in which case I desire that he shall receive ten per cent thereof.

"To my said son, William Copeland Finley, five per cent thereof.

"To my said sister, Matilda (Mrs. Patchell) or to her children, should she not then be in life, in equal shares, two and one-half per cent thereof.

"To my said niece, Minnie, Mrs. Marshall of South Australia, two and one-half per cent thereof.

"To my said son, Frederick Gault Finley, M.D., In trust, for his child or children, five per cent thereof.

"To my said daughter, Emma Maud McArthur, in trust, for her child or children, five per cent thereof.

"To distribute the remainder of said residue among such of my relatives and such charitable, benevolent and church and other purposes as my said executors and trustees in their discretion may think best, and, as regards the payment thereof, I authorize my said executors and trustees to pay the capital as soon as convenient after my death as aforesaid, or to withhold the shares of any of my relatives and pay only the interest thereon for such delay as they may judge wise.

"Notwithstanding this provision for the distribution by my said executors and trustees of the said residue of my estate, I hereby specially authorize and empower my said dear wife, Dame Emma Gault, to dispose thereof by last will and testament in such way as she may think fit without feeling under the least obligation to conform to my disposition thereof as above mentioned, but desiring her to be absolutely free as regards the same.";

That the executors and trustees of the said will took no action under the said article 17 thereof in respect of the said residue of the estate;

That the said Dame Emma Gault died on or about the 29th of September, 1916, leaving her last will and testament executed before Henry Fry and colleague, notaries public, on the 27th of June, 1910, and two codicils thereto executed in the form derived from the laws of England on the 3rd of February, 1916, and the 9th of July, 1916, respectively, said codicils having been duly probated in the Superior Court, Montreal, on the 10th October, 1916.

That acting under the powers conferred upon her by the last paragraph of the said article 17 of her said husband's will, the said Dame Emma Gault by article numbered third of her said last will and testament disposed

of the residue of the estate of the said late Samuel Finley as follows, to wit:

"*Third.* Under the power given me in the latter part "of the 17th (seventeenth) clause of my late husband's "will passed before C. Cushing and colleague, notaries, "on the twenty-first of May one thousand nine hundred "and two (unless the residue of his estate has been distrib- "uted or otherwise settled during my life-time) I hereby "dispose of such residue as follows:

"There shall first be paid out of such residue and this "as soon as the trustees and executors see fit and by "preference the sum of ten thousand dollars to my daughter "Mary Stuart Finley (Mrs. Adams) or her estate, a like "sum of ten thousand dollars to my daughter Emma Maud "Finley (Mrs. McArthur) or her estate, and the sum of "one thousand dollars (free of legacy duty) to the Shel- "tering Home, and the entire balance of the rest, residue "and remainder of my said late husband's estate, that is, "the balance of the residue referred to by him in the 17th "(seventeenth) clause of his will, shall be divided into eight "parts, and one of such parts shall belong to each of the "seven children issue of my marriage with my said late "husband, the estate of any one who may be dead at the "date of my death taking the share of such deceased son "or daughter, and the eighth share shall be divided equally "among all my grand-children alive at the date of my "death, by heads and not by roots. Each of my children, "parent of any of these grand-children shall have full "power to receive their respective children's share, to "enter into all partitions, make compromises with the "trustees and executors, and otherwise deal with their "children's rights as fully as if the share bequeathed to "their children belonged absolutely to him or her, and in "the event of the death of the parent of any grand-child, "the tutor or guardian of the grand-children interested "shall have all the powers which I have given their parent, "and in no case shall any family council, judicial authoriza- "tion, formal valuation or action-at-law be necessary; "the tutors or guardians of any minors whatsoever interest- "ed in the estate of my said late husband, and the curators "of any incapable persons, shall have similar powers.

"As to the share in such residue of my unmarried "daughter Margretta Leila Finley, she shall be considered "owner of the same and may enter into partitions and "compromises with the trustees and executors in such "manner as she may see fit, but the capital shall not be "paid over to her until the trustees and executors think "well to do so, my said daughter being entitled however

“during her lifetime, or until the capital is delivered, to  
“the net annual revenues derived from her share; the  
“trustees and executors will nevertheless be at liberty to  
“pay over or deliver to my daughter her capital when in  
“their uncontrolled discretion they see fit to do so.

“As to the share in such residue of my son Samuel  
“Arnold Finley, he also shall be considered the owner  
“thereof, and may enter into all partitions and com-  
“promises with the trustees and executors, but his share  
“of the capital shall be held by the trustees and executors  
“during his lifetime, he being entitled to the net annual  
“revenues while he lives. The capital shall at his death  
“be paid or delivered to such person or persons as he by  
“his last will and testament may direct to receive the same  
“as part of the residue of his estate or otherwise, and  
“failing any will to his heirs-at-law. The benefits con-  
“ferred on him my said son Samuel Arnold Finley and  
“his share in such residue are however conferred and be-  
“queathed subject to and conditional upon the payment  
“out of the capital or income thereof by the trustees and  
“executors of various sums of money advanced to him  
“or on his account by other members of my family, and  
“these sums shall be paid as soon as possible, and it shall  
“be in the discretion of the trustees and executors whether  
“they shall pay it entirely out of the capital or partly  
“also out of revenue; only the balance of his share after  
“payment of such sums shall be affected by his last will  
“or death should he die before payment in full of what has  
“been or may be advanced to him or on his account.

“The respective shares of my children in such residue,  
“both in capital and revenue, are intended for their ali-  
“mentary support; and shall not be liable for debt, nor  
“shall the share of any daughter enter into any community  
“of property which may exist between her and her husband.  
“Neither capital nor revenue shall be assignable while in  
“the hands of the trustees and executors nor shall either  
“of them be susceptible of being assigned or anticipated,  
“and I declare the same to be *insaisissable* and *incessible*.

“Notwithstanding any of the provisions I have made,  
“the trustees and executors may at any time if they wish,  
“and in their absolute and uncontrolled discretion, deliver  
“the share of any child, or grand-child, or any part thereof,  
“or even the whole estate, to a trust company to be held,  
“administered and disposed of in accordance with this my  
“will, and the will of my said late husband, any such  
“trust company having the powers given by the 20th  
“(twentieth) clause of his will, and in addition those I  
“have conferred on the parents of grand-children sharing  
“in the residue and on my executors and trustees.”;

That by the first codicil to her said will, dated 3rd of February, 1916, the said Dame Emma Gault modified said article third of her said will, by revoking the bequest of \$10,000 made by her to the said Dame Mary Stuart Finley, to whom the said sum had been previously paid;

That doubts have arisen as to the validity of the last paragraph of said article 17 of the will of the said late Samuel Finley, and that it is expedient and in the interests of all concerned that the said doubts be dispelled;

And whereas it was clearly the intention of the said late Samuel Finley to confer upon his said wife, Dame Emma Gault, the right to dispose of the entire rest, residue and remainder of his estate referred to in said article 17 of his will, notwithstanding the disposition of said rest, residue and remainder therein made by him;

And whereas it is expedient to grant the prayer of the said petitioners;

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

Authoriza-  
tion to pay  
certain  
heirs.

**1.** The executors and trustees of the last will and testament of the said late Samuel Finley are hereby authorized and empowered to pay to the said Mary Emma Patchell, Annie Maud Patchell, and Margretta Marian McArthur Patchell, daughters of the said late Dame Matilda Finley (Mrs. G. W. Patchell), the entire balance of the capital of the bequest made by the said late Samuel Finley to the said Mrs. Patchell and her children by the said article 5 of his last will and testament, namely, three thousand pounds sterling, and, upon such payment being made the said bequest shall be duly and finally discharged.

Final dis-  
charge.

Certain  
paragraph  
of will ratif-  
ied and con-  
firmed.

**2.** The last paragraph of article numbered 17 of the said last will and testament of the said late Samuel Finley is hereby ratified, validated and confirmed, and it is hereby declared and enacted that the said Dame Emma Gault had thereunder full power and authority to dispose by her last will and testament in such way as she might think fit of the entire rest, residue and remainder of the estate of the said late Samuel Finley, namely, the entire residue of the said estate remaining after the payment of the bequests made in and by the articles and clauses of the said will preceding said article 17.

Disposition  
of residue  
valid and  
binding.

**3.** The disposition of the said residue of the estate of the said late Samuel Finley made by the said Dame Emma Gault by article numbered third of her said last will and

testament as modified by the said first codicil thereto is valid and binding upon the executors and trustees of the will of the said late Samuel Finley, and on all others concerned.

4. The disbursements of the petitioners and all disbursements and fees of their attorneys incurred in connection with the passing of this act shall be charged to the capital of the estate of the said late Samuel Finley and paid by his said testamentary executors. Disbursements to be charged to capital.

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

## C H A P . 145

An Act to authorize the Bar of the Province of Quebec,  
to admit Joseph-Ernest Robitaille to the practice of  
the legal profession and to grant him his certificate  
to that effect

[Assented to 9th February, 1918]

**W**HEREAS Joseph-Ernest Robitaille, of St. Romuald, Preamble.  
has, by his petition, represented:

That he obtained his diploma of Bachelor of Sciences in June, 1900, at the Quebec Seminary;

That he has regularly followed the course of law at the Laval University of Quebec, and obtained the degree of Licentiate in Law, in June, 1917;

That he also studied law under notarial indenture in the office of H. Laferté, Esq., advocate, of Quebec, for the period of three years, since the month of September, 1914;

That he passed the examination for admission to the practice of law at the Bar at Quebec, on the 5th of July, 1917;

That, according to law, the said Joseph Ernest Robitaille will not be permitted to practise the legal profession before January, 1920, because the notice and deposit required for admission to study were not given until December, 1916;

That, by such delay, he suffers prejudice, the said delay being injurious to the petitioner's present as well as his future interest;

That the General Council of the Bar of the Province of Quebec, at its last meeting held in October, 1917, approved the passing of an act to authorize the said Bar to admit