

## C H A P. 138

An Act respecting the will of the late James Jack

[Assented to 14th March, 1907]

**W**HEREAS Gertrude Caroline Jack, widow of the late Preamble.

James Jack; James Macpherson Jack, Watson Jack, Florence Jack, all of the city of Montreal; Albert Russell Jack, of St. Louis, in the state of Missouri; Edith Virtue, wife of Herbert Spencer Virtue, of Newton Highlands, in the state of Massachusetts, and the said Herbert Spencer Virtue as well for the purpose of authorizing his said wife as for the purpose of representing his minor children, George Virtue and Isabel Macpherson Virtue; Maud Ward, widow of the late Thomas Martindale Ward, of Victoria, in the Province of British Columbia, as well personally as for the purpose of representing her minor daughter, Gertrude Madeline Ward, being the heirs and representatives of the late James Jack, in his lifetime of Montreal, wholesale grocer, have, by their petition, represented that by his will made on the sixth day of June, eighteen hundred and seventy-three, before W. F. Lighthall and his colleague, notaries, the said late James Jack bequeathed to his executors therein named all his property, moveable and immoveable, in trust to invest the same as the said trustees might see fit or deem convenient in *bailleur de fonds* privileges, or first mortgages on real estate, or in first class investments in Montreal which bear a fair rate of interest without any risk to the principal, and that doubts have arisen as to the extent of the powers enjoyed by the trustees under the said will to make investments other than in mortgages on real estate and as to the extent of their responsibility for any such investments, and have prayed that an act may be passed to interpret the said provision of said will and to define the powers and responsibilities of the executors in respect thereof; and whereas it is expedient to grant the prayer of 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 executors and trustees under the will of the late James Jack, may invest any of the funds of the succession in *bailleur de fonds* privileges, or first mortgages on real estate, or in first class investments. First class investments, as mentioned in said will, shall mean and include such investments as are allowed by article 981o of the Civil Code, and such bonds and debentures of commercial corporations as carry first mort- Investment of funds of James Jack. Estate on first mortgages, &c. "First class investments" defined.

gage or privilege upon the assets of such commercial corporation.

Art. 981<sup>p</sup> and  
seq., C. C.,  
to apply.

Any investment made hereunder shall be deemed authorized by and in virtue of the said will, and the liabilities and responsibilities of the trustees shall be subject to the provisions of articles 981<sup>p</sup> and following of the Civil Code as far as applicable.

Coming into  
force.

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

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#### CHAP. 139

An Act to define the powers of the executors and trustees acting under the last will and testament of the late Dame Mary Eleanor Westcott, wife of the late Louis Joseph Amédée Papineau.

[Assented to 14th March, 1907]

Preamble.

**W**HEREAS Dame Marie Louise Papineau, of Wimbeldon, England, widow of the late John Charles Sheffield, in his life-time of the same place ; Dame Caroline Pitkin Rogers, of the city of Montreal, widow of the late Louis Joseph Papineau, both personally and in her quality of tutrix to her minor son, Philip Bruno Montigny Papineau ; Louis Joseph Papineau, Talbot Mercer Papineau and James Randal Westcott Papineau, all of the city of Montreal, and the Royal Trust Company, a body politic and corporate having its head office in the city of Montreal, and James Slocum Rogers, of the city of Philadelphia, in the United States of America, counsellor-at-law, have, by petition, represented :

That the said Dame Marie-Louise Papineau, Dame Caroline Pitkin Rogers, Louis Joseph Papineau, Talbot Mercer Papineau, James Randall Westcott Papineau and Philip Bruno Montigny Papineau, are all the beneficiaries and legatees named and appointed under and who are presently interested in the administration of the last will and testament of the late Dame Mary Eleanor Westcott, wife of the late Louis Joseph Amédée Papineau, in his life-time of the city of Montreal and also of Montebello, in the Province of Quebec, which said will was made in holograph form at Montebello on the 12th day of June, 1890, probate whereof was granted by the Superior Court for the district of Montreal on the 12th day of November, 1890 ;

That the said the Royal Trust Company and James Slocum Rogers are the present executors and trustees under the said