

gage or privilege upon the assets of such commercial corporation.

Art. 981^p 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^p 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.

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.

WHEREAS 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

last will and testament, having been duly appointed as such in replacement of the executors and trustees named by the testatrix, by a judgment of the Superior Court for the district of Montreal, rendered on the 19th day of June, 1906, upon the petition of all the beneficiaries and legatees interested in the administration of said estate ;

That, in and by her said last will and testament, the testatrix provided that the administration of her estate should be continued by her executors and trustees during the life-time of her two children, or, in the event of their prior decease, during a period of at least twenty-one years after her death ;

That, in and by her said last will and testament, the testatrix directed that her estate should be kept in good and safe investments, and, for all or any of the purposes of her will, authorized her executors and trustees, from time to time, in their discretion, to change the character of any investment either made by her or by themselves, or by others on her behalf, or in her interest, and in so doing to sell any properties or settle any claim either belonging to or against her estate, and gave to them the full possession and seizin of her estate ;

Whereas the former executors, acting in good faith and in reliance upon the provisions of the said last will and testament, have invested certain funds of the estate in securities other than those authorized by article 981*o* of the Civil Code of Lower Canada, to wit in the bonds and shares of capital stock of certain railroad companies and banks, the enforced sale and disposal of which would involve serious loss to the said beneficiaries ;

Whereas it is in the interest of the said beneficiaries that the executors and trustees be authorized to retain said investments, and in future investments that they be not restricted by the provisions of article 981*o* of the Civil Code ;

Whereas it is expedient to grant the prayer of said petitioners ;

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 acting under 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 later of Montebello, in the Province of Quebec, which said will was made in holograph form on the 12th day of June, 1890, and duly probated by the Superior Court for the district of Montreal on the 12th day of November, 1890, are authorized to retain investments made by their predecessors in the trust other than in conformity

Executors,
&c., of Mrs.
L. J. A. Pa-
pineau may
retain invest-
ments not
under art.
981*o*, C. C.,
and need not
invest under
said article.

with the provisions of article 981*o* of the Civil Code of Lower Canada, and may invest the funds of the estate in good and safe investments according to the terms of said will notwithstanding the provisions of said article 981*o* of the Civil Code.

Coming into
force.

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

C H A P. 140

An Act respecting the Tourville estate

[*Assented to 28th February, 1907*]

Preamble.

WHEREAS Dame Marie Louise Tourville, wife separated as to property, of Stephen Globensky, and the latter, both for the purpose of authorizing his wife and as representing Ernest Hubert Globensky, his minor son : Juliette Globensky, spinster : Dame Eugénie Tourville, wife separated as to property of C. Ernest Gagnon, agent, and the latter, both for the purpose of authorizing his wife and as representing his minor children, Irma, Paul and Albert Gagnon : Louis Ernest Gagnon, accountant : Dame Corinne Gagnon, wife separated as to property of Louis H. A. Archambault, civil employee and the latter for the purpose of authorizing his wife ; Marie Jeanne Gagnon, spinster ; Edmond Clerk, clerk, in his capacity of tutor to his minor children Walker, Guy, Aline and Henry Clerk, issue of his marriage with the late Malvina Tourville : Rodolphe Forget, broker, and member of the House of Commons of Canada, in his capacity of tutor to his minor child Marguerite, issue of his marriage with the late Alexandra Tourville ; Rodolphe Tourville, merchant, representing his minor children Bertha, René, Rodolphe and Rita Tourville, all of the city of Montreal, have by their petition represented :

That by his will made and passed at Montreal, in the district of Montreal, before Mtres. H. P. Pepin and Georges Normandin, notaries, on the thirteenth of February, eighteen hundred and ninety-six, (1896), the Honorable Louis Tourville, after having given particular legacies to his children, and to certain of his grandchildren, instituted as his universal legatees, as to ownership, such grandchildren and great-grandchildren by representation ;

That the universal legatees as to ownership will receive their share at the death of the last of the testator's children ;

That since the death of the testator, the value of the estate has considerably increased, the revenues having more than doubled ;