

C H A P . 1 1 2

An Act respecting the estate of the late Laird Paton

[Assented to 20th May, 1905]

Preamble.

WHEREAS James Paton of the city of Montreal, builder ; Thomas Laird Paton of the same place, agent ; Elizabeth Paton, wife of Edward H. Copeland, of the same place, importer, and the said Edward H. Copeland ; Wilhelmina Hendrey, of the same place, widow of the late William Paton, and Margaret Paton, of the same place, wife of John Keith Reid, of the same place, but now absent therefrom, and the said James Paton and Thomas Laird Paton, in their quality of trustees of the said Margaret Paton, under the provisions of the will of the late Laird Paton, executed before C. Cushing and colleague, notaries, at Montreal, on the 15th April, 1882, with codicil, before the same notaries, executed on the 5th February, 1883, have, by their petition, represented ;

That the said late Laird Paton, by his last will and testament executed at Montreal, before Charles Cushing and colleague, notaries, on the 15th day of April, 1882, with codicil thereto executed, before the same notaries, on the 5th day of February, 1883, after making certain particular legacies, gave, devised, and bequeathed the residue and remainder of his property of all kinds to his children issue of his marriage with his late wife Dame Ann Scott, to be divided among them in equal proportions, share and share alike, to be paid to them on their respectively attaining the age of twenty-one years, with the exception of the share of his daughter Margaret, which he directed to be paid as provided in his will ;

That, as regards the share of his daughter Margaret, the said Laird Paton directed as follows :—“ With respect to the share of my daughter Margaret, I direct that the same shall be paid to her brothers James Paton and William Paton upon trust to collect, receive and get in the revenues, interest and income thereof ; also upon trust to pay over such revenues, interest, income and profit thereof to my said daughter Margaret during the whole course of her natural life or until such time as her health is thoroughly re-established, when the said trustees, if they consider themselves warranted by circumstances in doing so, may pay over to her the principal of her said share to be used and enjoyed by her as she may see fit. And I further direct that, should the income arising from her said share be insufficient for her proper maintenance and support, the said trustees shall, if

circumstances arise and they see fit, take from the principal and apply the same in like manner for her benefit without being held liable or responsible for so doing, and should my said daughter Margaret die while her said share is being administered by the said trustees and without leaving issue lawfully begotten, then her share or the portion thereof remaining shall be equally divided amongst her surviving brothers and sisters, share and share alike ; but in the event of her leaving issue lawfully begotten then her share at her death will go and belong to such issue in equal proportions, share and share alike ;”

That the said William Paton died, and by judgment of a judge of the Superior Court rendered on the 8th day of November, 1904, Thomas L. Paton was appointed trustee in his place ;

That, by his said will, the said Laird Paton appointed executors to whom he gave full power to sell and dispose of his real estate ;

That, at the date of his death, the said Laird Paton was the owner of property situated in the city of Montreal, part of which was situated on St. Catherine street (lot No. 1476 on the official plan and book of reference of St. Antoine Ward) and part on Peel street (part of lot official No. 1475 on the official plan and book of reference of said St. Antoine Ward) and of an undivided two-thirds interest in another property situated on Stanley street, in the city of Montreal, (part of lot No. 1475 on the official plan and book of reference of St. Antoine Ward) which said last mentioned lot was owned by him jointly with his son, the late William Paton ;

That the heirs and legatees, the executors under the will, and the trustees appointed thereunder have interpreted the said will as giving the trustees full power to deal with the share of the said Margaret Paton without her intervention, and have so dealt with her said share and her interest in the said estate, and more particularly with the partitions made of the said property ;

That, in order to effect a partition of the said St. Catherine street property, the said executors, by deed before R. A. Dunton, N. P., executed on the 2nd November, 1887, sold the whole lot to Thomas L. Paton, one of the heirs, who on the same day, by four deeds before the same notary, resold portions thereof to his co-heirs, the said James Paton, as the surviving trustee of the said Margaret Paton, acquiring that portion of the lot on the corner of St. Catherine and Peel streets now known as subdivisions 9 and 10 of said lot No. 1476 ;

That the said corner lot so sold to the said James Paton as trustee was the most valuable portion of the said property ;

That, in further partition of the said estate, the executors, by deed executed before Dunton N. P. on the 28th February, 1888, sold to James Paton, one of the heirs, the whole of the Peel street property and the undivided two-thirds of the Stanley street property belonging to the said estate ;

That, by deed of settlement executed before Cushing N. P., on the 22nd day of April, 1887, between the widow of the late William Paton, who was his residuary legatee, and the executors of the will of the said late William Paton, of the one part, and the heirs and legatees of the said Laird Paton, of the other part, the said Margaret Paton being represented by the said James Paton as her trustee, the executors of the will of the said Laird Paton also being parties, a partition was made between the estate of the said late Laird Paton and the said late William Paton, by which the representatives of the estate Laird Paton transferred to the representatives of the estate William Paton the interest of the said Laird Paton's estate in the said Stanley street property, and the representatives of the said late William Paton transferred to the representatives of the said late Laird Paton the interest of the estate of the said late William Paton in the said Peel street property ;

That, subsequently, under a sale by licitation made in a partition action bearing the No. 2612 among the records of the Superior Court, Montreal, between the heirs of the said late Laird Paton, in which the said Margaret Paton was represented by the said James Paton as her trustee, the said James Paton acquired the interest so transferred from the representatives of the said late William Paton in the Peel street property ;

That doubts have arisen as to the powers of the trustees for Margaret Paton to represent her in the aforesaid transactions, and as to their power to deal with her share in the said estate, and it is in the interest of the heirs generally, and especially of the said Margaret Paton, that the said doubts should be removed ;

And whereas the said petitioners have prayed for an act to declare and define the powers of the trustees of the said Margaret Paton, to ratify their acts as aforesaid, and to make provision for their replacement when necessary, and it is expedient to grant their prayer ;

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

Power of
trustees.

1. The trustees appointed by the will of the said Laird Paton and their successors in office are declared to have had and to have power, without the intervention of the parties benefited, to administer the property vested in them, to sell

and dispose of it, invest moneys which are not payable to the parties benefited, and to alter, vary, and transpose, from time to time, such investments; and the acts of the trustees for the said Margaret Paton in the transactions hereinbefore recited are ratified.

The investment of the moneys with which the trustees are or shall be seized, shall be made in accordance with the provisions of article 981o of the Civil Code. Law to apply to investments.

2. The appointment of the said Thomas L. Paton as trustee is confirmed. Appointment confirmed.

3. In the case of any vacancy in the trust, any judge of the Superior Court may appoint a replacing trustee or trustees on petition of the remaining trustee, after notice to the said Margaret Paton, or of the said Margaret Paton, after notice to the remaining trustee. Appointment of replacing trustee.

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

CHAP. 113

An Act to authorize the Bar of the Province of Quebec to admit Theodore Dubé to the practice of the legal profession, after examination

[Assented to 11th May, 1905]

WHEREAS Théodóre Dubé has, by his petition, represented: Preamble...

That he is an official of the city of Quebec since the year 1893;

That he was appointed assistant clerk of the recorder's court of the city of Quebec, in January, 1895, and has always filled and still fills that office;

That it is desirable that the petitioner in his office of assistant clerk of the said recorder's court should know the law and belong to one of the legal professions, inasmuch as he performs the same functions as the clerk before the said court, and acts and pleads as such before the said court in the absence of the said clerk;

That, in order to make himself more useful to the city, and in his own interest, he is studying law, and wishes to be admitted to the legal profession;

That he matriculated as a law student in Laval University over two years ago, and has always passed excellent exami-