

That it is expedient to authorize the said executors to hypothecate, as additional security for the loan to be effected, the lot bearing the cadastral number three hundred and forty-five of the said St. Lawrence ward belonging to the said estate of the late François-Xavier Beaudry ;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said testamentary executors are authorized to hypothecate, as additional security for the loan to be contracted as aforesaid, the said lot being the cadastral number three hundred and forty-five of St. Lawrence ward in the city of Montreal.

Power to hypothecate certain property as additional security.

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

Coming into force.

CHAP. 94

An Act respecting the estate of the late John Pratt

[Assented to 28th March, 1901]

WHEREAS Joseph Ovide Gravel, accountant, Joseph Gustave Laviolette, physician and druggist, both of the city and district of Montreal ; Charles Pratt, physician, of the town of Longueuil, in the said district ; Percy Woodcock, artist, of the town of Brockville, in the Province of Ontario, and William Burn of the city of Three Rivers, all testamentary executors, fiduciary legatees and administrators of the estate of the late John Pratt, in his lifetime of the city of Montreal, retired merchant, have by their petition represented :

Preamble.

That by his will and testament dated the 23rd April 1872, made and passed before Maître P. E. Normandeau and H. Brodie, notaries, of the city of Montreal, the said late John Pratt bequeathed and constituted in favor of each of his children : Charles Pratt, Frédéric Pratt, Albert Pratt, Evelina Pratt, Virginie Pratt and Aloysia Pratt, and his grandson, Emile Girouard, an annual life rent of \$3,000, with an increase to each one of \$400 per annum for each living child they might have over and above four ; the said life rent to be paid them by his testamentary executors from and out the revenues of his property, with an increase in favor of the survivors of the said legatees in the event of any of them dying childless ;

That the said Albert Pratt and Emile Girouard have since died, the latter childless, and the former leaving one child, who also died leaving a child ;

That the ownership of the said property was bequeathed by the said testator to his grandchildren issue of the lawful marriage of the children and grandson above-mentioned, to be divided amongst them equally by heads and not by roots, on the death of the survivor of his children and grandson, Emile Girouard, the great grandchildren, in the event of the death of any of the testator's grandchildren being called to share in the partition by roots, as representing their *auteurs* ;

That, pending the date when the said partition is to take place, the administration of the testator's property was by him confided to testamentary executors, fiduciary legatees and administrators in the manner set forth in the said will ;

That the said John Pratt died on the 22nd July, 1876, and at the time of his death some of the testator's grandchildren, who are now living, were already born and are now therefore advanced in age, while others were born after the testator's death ;

That no provision was made by the testator for his grandchildren or in their favor beyond the legacy in ownership and that relating to the \$400 above-mentioned, and consequently the said grandchildren, whatever age they may attain, cannot receive anything out of the property of the estate bequeathed to them, not even the surplus of the revenues of such property after payment of the charges and rents, and this must continue until the time when the partition of the estate takes place, unless the powers of the testamentary executors be extended ;

That in all probability the time of the partition of the estate is still very distant, the age of the said children being respectively as follows : Charles Pratt, fifty-six years ; Evelina Pratt, fifty-three years ; Virginie Pratt, fifty years ; Aloisia Pratt, forty-seven years, and Frédéric Pratt forty-two years ;

That some amongst the said grandchildren are in need and threatened with poverty before long, and that, after payment of the debts, charges and rents of the estate, there is a surplus revenue that would allow the testamentary executors to come to their assistance if they had power so to do ;

That, moreover, it is expedient to better define the testator's intentions as regards the fourth, seventh and twelfth clauses of the said will ;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain payments out of surplus revenues may be made by executors to grandchildren.

I. It shall be lawful for the testamentary executors and administrators of the estate of the late John Pratt, out of the surplus revenues of the estate over the expenditure after payment of the expenses (but including the accumulated or capitalized revenues), the charges and annual rents being first paid, to pay, from time to time, as they may deem expedient to do, to any one of the grandchildren and, in the event

of the death of any of them leaving children, to any one of the great-grandchildren of the testator, advances not exceeding the following amounts: to the grandchildren \$500 per annum each, and to the great-grandchildren a like amount of \$500 per root to be divided between them, and so that there shall not be paid more than \$500 in the course of a year to any one of the grandchildren, or to any of the great-grandchildren by roots. Every such sum so paid to any of them as well as the interest thereon at a rate to be, from time to time, determined by the testamentary executors, but not exceeding five per cent. per annum, capitalized each year, shall be charged to his or her share of the property of the said testator, and shall be counted and deducted when the partition of the said property is made.

Sums so paid and interest thereon to be charged and deducted in partition from recipient's share.

2. The fourth clause of the said will shall be interpreted as if the words "at the rate obtainable for the time being and" were added after the word "interest" in the said clause.

Interpretation of fourth clause of will.

3. In the event of the death of any of the grandchildren, leaving children to share in the said estate or in the legacies bequeathed by the testator instead of their *auteurs*, as provided in the seventh clause of the will, the fourth clause of the said will shall apply but without its being necessary in such case to retain and capitalize any portion of the legacies of \$3,000, during the minority of the persons benefited. The said testamentary executors may exercise their discretion on the subject.

Application of fourth clause in case of death of grandchildren leaving children.

4. In the event of the death of any of the said children leaving more than four legitimate children, every sum of \$400, payable under the terms of the ninth clause of the said will, shall continue to be payable after such death as if there had been no death, with this difference only that it shall be paid, in equal shares, to the children of the deceased person. The word "child" in the said ninth clause shall be interpreted as including the grandchildren who shall however share only by roots.

Payments after death of children leaving more than four legitimate children.

5. The testator's grandchildren, mentioned in the twelfth clause of the will, and whom the testator constituted his heirs and universal legatees (saving the right of the great-grandchildren to share by roots in the partition of the estate, in the event of the death of any of the said grandchildren, their father or mother, before such partition) are all his grandchildren born or to be born of the lawful marriage of his said children mentioned in the will, whether born after the testator's death or during his lifetime, and the said twelfth clause shall be carried out as thus interpreted.

Definition of grand children in will.

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

Coming into force.