

in the city of Quebec shall be and remain free of the said substitution.

Coming into  
force.

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

## CAP. CVIII.

An Act to provide for the liquidation of the estate of the late William Workman, in his lifetime of the city and district of Montreal, merchant.

[Assented to 24th June, 1892.]

Preamble.

**W**HEREAS the late William Workman, in his lifetime of the city and district of Montreal, by his last will and testament and codicils, executed in notarial form before Doucet, notary, bequeathed his property, moveable and immovable, to Joel C. Baker, Robert Moat and John Moat, in trust for the purposes set forth in the said will and codicils ;

Whereas the assets of the said testator's estate are not and have not been sufficient to pay in full the annuities and legacies bequeathed therein, and it is expedient to provide for the economical administration of the said estate ;

And whereas certain of the devises and bequests of his said will are ambiguous, and it is expedient to define the rights of the legatees and to make provision for liquidating the said testator's estate, and finally settling the rights of all parties beneficially interested therein ;

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

Assets of  
estate divided  
in certain  
way.

1. The assets of the said estate and succession, moveable and immovable, valued at the sum of one hundred and sixty-nine thousand, one hundred and eighty-seven dollars and two cents, shall be and are hereby set apart apportioned and divided among the parties beneficially interested, as follows :—

(a) For the persons mentioned in schedule A of this act, the sums written after their names respectively.

(b) For the annuitants and reversionary legatees mentioned in schedule B of this act, the sums written after their names respectively.

(c) For the usufructuaries and *nu-propriétaires* mentioned in schedule C of this act, the sums written after their names respectively.

2. The sums written after the respective names of the persons mentioned in the said schedule shall, to all intents and purposes whatsoever, be and be deemed to be the only sums in respect of which the said persons so mentioned have or have had any right, title or interest, whether vested or contingent, under the said will, and upon the payment or settlement of the same as hereinafter provided, the executors and administrators and residuary legatees shall be free and discharged from all claims, actions and demands of any of the said persons or their representatives in respect of any sums payable under the said will.

Sums in schedules to be deemed to be only sums to which parties are entitled.

3. The amounts mentioned in the said schedules A, B and C shall be paid by the said executors and administrators in cash to the persons legally entitled to them under this act, and upon the payment by the said executors and administrators of the said sums of money, as aforesaid, and of any sums which the said executors and administrators may have under section seven of this act, to any beneficiary under the said will, or upon the execution by them with the persons legally entitled under this act thereto of any agreement to that effect, the executors and administrators shall thereby and *ipso facto* be released and discharged in respect of any right, claim or demand which the said beneficiaries or any other person or persons might have under the said will in respect to the bequest or devise on account of which the sum mentioned in the respective schedules is payable.

Payment of amounts in schedules how to be effected.

Payments to free executors.

4. The sums mentioned in schedule B and C shall be vested in the person entitled to the enjoyment or revenue thereof, jointly with a trustee to be appointed to represent the interest of any persons having any other right or interest therein; and they shall hold and administer such sums for the sole use and benefit of the person or persons to whom the same is apportioned, and shall be and be deemed to be trustees thereof, and have and enjoy, in respect thereof, all the powers, rights and obligations of trustees mentioned in article 981 of the Civil Code.

Sums mentioned in schedules B and C, to be vested in and administered by trustees and beneficiaries.

5. Such trustees shall be appointed by any judge of the Superior Court, at Montreal, upon application of any parties interested, after such notice to other parties interested as such judge may deem sufficient.

Appointment of trustees how to be made.

6. In event of the said trustees not being appointed within three months from the coming into force of this act, it shall be lawful for the said executors and administrators to pay the amount set apart and apportioned for any bequest or legacy in the said schedules B and C, for which no trustee

If no trustees appointed.

has been appointed, to any company authorized by law to hold money in trust for others in the Province of Quebec, in trust to hold the same to the use of the parties mentioned in such schedule, to whom the same is apportioned, and obtain a discharge when so doing.

Division of revenue accrued since 23rd Feby., 1892.

**7.** If, at the date of the passing of this act, the said executors and administrators shall have at the credit of revenue account any revenue accrued since the twenty-third day of February, 1892, they are hereby directed to divide the same, together with the sum of nine hundred and seven dollars and seventy-six cents, standing at the credit of the said account on the said last mentioned day, after deducting any payments which may have to be made, amongst the annuitants under the said will, by paying their proportions of the same to the said parties as they may be entitled thereto.

Rights of residuary legatees, saving in certain sum, to cease.

**8.** From the date of the passing of this act, all the right, title and interest of the residuary legatees, if any, in the said estate and succession, shall cease and determine, save and except their interest in the sum of one hundred thousand dollars, by the said will bequeathed to William Moat in usufruct, and subject to such interest of the residuary legatees, all the rights of the beneficiaries under the said will shall be and be deemed to have been only in and to the sums already paid to them, and the amounts mentioned in the said schedules opposite their names.

Act not to be interpreted as exempting trustees, &c., from accounting.

**9.** Nothing in this act contained shall be interpreted as exempting the said trustees and testamentary executors from their obligation and duty of rendering an account, in a lawful manner, of their administration of the said succession upon the demand of any party interested, in his own name or in the name of those who may require the same through him under the substitution, and any party interested shall have the right of contesting the said account.

Nor as preventing interested parties from bringing suits to account.

Nothing in this act contained shall be interpreted as preventing any such interested party from instituting or carrying on any action or claim against the said testamentary executors by reason of their administration respecting his interests or the interests of the substitutes as aforesaid, notwithstanding what is contained in the preamble and sections 2, 3 and 8 of this act to the contrary; provided that the application for such account be made within the thirty days following the coming into force of this act, and that no contestation or legal action whatever be instituted after the sixty days following the rendering of the said account.

Proviso.

## SCHEDULE A.

Balances due on account of legacies which have not been discharged in full, and annuities in connection with which there is no principal in reversion.

1. The right of F. F. A. Workman in a balance of \$2,667.67.....	\$ 752
2. The right of Mrs. Laura J. Johnson in a balance of \$2,666.67.....	752
3. The right of Mrs. C. E. Knight in a balance of \$2,666.68.....	752
4. The right of Joel C. Baker in a balance of \$16,000 .....	4,512
5. The rights of the executors of the late Mrs. Mulholland in a balance of \$8,000.....	2,256
6. The right of Elizabeth McIver in an annuity of \$420.....	1,970
7. The right of Mary Lyon in an annuity of \$140	775
8. The right of Mrs. Esther Lebrun Charbonneau in an annuity of \$70.....	299
9. The rights of Mrs. Mary Bella Voegelee, now Ricketts, and of Eugène Voegelee in an annuity of \$437.50.....	5,413
10. The rights of Mrs. Mary Bella Voegelee, now Ricketts, in another annuity of \$437.50.....	4,146
11. The rights of the Misses Lorimore in an annuity of seventy pounds sterling.....	1,866
12. The rights of Julia Egan in an annuity of \$100	1,019
13. The rights of Mrs. Teresa McConnell Dupuy in an annuity of \$70.....	718
14. The rights of James and Kate McGuire in an annuity of \$70.....	837
15. The rights of Emma Haines and Louisa Colwell in an annuity of \$80.....	905
16. The rights of A. Mazurette, as tutor to the minor children of the late Elizabeth Lacasse, in an annuity of \$70.....	1,122
Total.....	<u>\$ 28,094</u>

## SCHEDULE B.

Annuities which are connected with reversionary legacies.

1. The rights of Mrs. Harrower and her children in the revenue and capital of \$10,000.....	\$ 9,129
2. The rights of Mrs. Mary Savage and her children in the revenue and capital of \$30,000.	25,934
3. The rights of Mrs. Samuel Workman and her children in the revenue and capital of \$4,000	3,116
4. The rights of F. F. A. Workman and his children in the revenue and capital of \$3,333.33 .....	2,969
5. The rights of Mrs. Laura J. Johnson and her children in the revenue and capital of \$3,333.33 .....	2,945
6. The rights of Mrs. C. E. Knight and her children in the revenue and capital of \$3,333.33	2,962
7. The rights of Mrs. Mary Savage and her children in the revenue and capital of \$8,000...	6,915
8. The rights of Mrs. Eliza Halloway and her children in the revenue and capital of \$1,000.....	872
9. The rights of Mrs. Kate Grant Slaughter and her children in the annuity of \$400, and the capital of \$5,000.....	5,057
10. The rights of Mrs. Louisa Kissock and her children in the revenue and capital of \$5,000 .....	4,543
11. The rights of Mrs. Eliza Dubault Auclair and her children in the revenue and capital of \$2,000 .....	1,811
Total.....	<u>\$ 66,250</u>

## SCHEDULE C.

Sums bequested in usufruct and *nu-propriété*.

1. The rights of William Moat and his children, and of Robert Moat and the children of Mrs. Mulholland, in the sum of \$100,000.....	\$ 71,279
2. The rights of James Edward Hawkins and his children in the sum of \$5,000.....	3,564
Total.....	<u>\$ 74,843</u>

SUMMARY.

Schedule A.....	\$ 28,094
Schedule B .....	\$ 66,250
Schedule C.....	\$ 74,843
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	\$169,187
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Assets available for distribution.....	\$169,187
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C A P. C I X .

An Act to authorize Joseph Brière to add to his name that of "Picard."

[Assented to 24th June, 1892.]

**W**HEREAS Joseph Picard, of the city of Quebec, Preamble. lumber merchant, and Dame Lucrèce Fortin, his wife, of the same place, have adopted, as their son, Joseph Brière, who is motherless, and they have prayed, by their petition, for the passing of an act to authorize the said Joseph Brière to add to his name their own family name of "Picard";

Whereas it is expedient to accede to their prayer;

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

1. The said Joseph Brière is authorized to add to his family name, that of "Picard," and to bear for the future the name of "Joseph Brière-Picard." J. Brière authorized to add to his name.

2. Under this latter name he shall be capable of exercising all civil rights, and more especially : Power to exercise certain rights.

1. To claim, exercise and possess all rights, benefits, titles and privileges which he would have a right to claim, exercise and possess independently of the change of name authorized by law ; Rights, &c., as if bill had not passed :

2. To receive, revendicate and possess all gifts, inheritances and advantages in any will or testament in his favor under the name of Joseph Brière ; To receive gifts, &c. ;

3. To possess and recover all property, immoveable and moveable, as well as all rights whatsoever which may belong to him or to which he can lay claim ; To possess property ;

4. To inherit all property, moveable and immoveable, as well as all rights whatsoever. To inherit property.

3. All rights and privileges conferred by this act upon the said Joseph Brière-Picard shall apply to his children and descendants. Rights, &c., to apply to his children, &c.