

to the school commissioners of the said township of Hatley.

Coming into  
force.

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

## CAP. XCVII.

An Act respecting the estate of the late John Ogilvie.

[Assented to 21st March, 1889.]

Preamble.

WHEREAS the Honorable Alexander W. Ogilvie, one of Her Majesty's Senators for the Dominion of Canada, Philip Simpson Ross, accountant, and Margaret Watson, widow of the late John Ogilvie, all of the city and district of Montreal, in their quality of executors, trustees and administrators under the last will and testament of the late John Ogilvie and the codicil thereto, have, by their petition, represented :

That the said late John Ogilvie, of the city of Montreal, by his last will and testament, executed before E. H. Stuart, notary public, on the 28th September, 1871, with a codicil to said last will, executed before W. de M. Marler, notary public, at Montreal on the 11th June, 1883, appointed the petitioners as executors, trustees and administrators, with various powers as therein set forth ;

That in effect the said late John Ogilvie, by his said last will and testament and the codicil thereof, provided that the said petitioners were to take possession of the said estate and administer the same until the youngest child came of age, and then the estate was to be divided, the shares of the sons to be paid to them, and the shares of the daughters to be still retained under the terms of said will by the executors and trustees, the daughters to enjoy the usufruct during lifetime, and the capital to be paid to the issue by marriage of such daughters ;

That there were, at the time of the death of the said late John Ogilvie, eight children, six of whom are minors, namely : Jennie Watson Ogilvie, aged twenty years. Douglas Watson Ogilvie, aged fifteen years. Norman Craik Ogilvie, aged twelve years, Lorne Campbell Ogilvie, aged nine years. Maggie Allan Ogilvie, aged seven years, and John Archibald Stewart Ogilvie, aged one year ;

That the children of age are Alexander T. Ogilvie and Ida Ogilvie, wife of Frank E. Moseley, all of the City of Montreal ;

That the trust created under the said will and codicil is one of very long duration, and in the event of the youngest child living until majority, it would take a period of about twenty years before any division could take place, and even then the portion of the estate coming to the daughters would still have to be held by the petitioners or their successors, the principal to be paid to their issue ;

That, seeing the length of time it would take to conclude the provisions of the said will, seeing also the number of children, the great value of the estate, and the responsibility thrown upon the petitioners with reference to administration, they decided at first not to accept office under the provisions of the will and codicil, and only did so upon determining to petition the Quebec Legislature for an act to define their powers and their responsibility, to arrange about payments of certain moneys to the children and also for remuneration to themselves ;

That an inventory of the estate has been taken, shewing its value to be between nine hundred thousand and one million dollars, and by the terms of the will there is only one specific payment to be made, namely, the sum of five thousand dollars per annum to the widow as long as she shall remain such, and all the other questions as to maintenance, education, support, and financial allowance to the children are left without any mention ;

That, at the date of his death, the said late John Ogilvie left a large family whom he had brought up comfortably, and a large, well furnished and appointed house with horses, carriages, etc., and, had he lived, would no doubt have made extra provision for his children other than what the law might now allow, and this even to those of age ;

Whereas the petitioners have further averred that if some bill is not granted, the children might suffer and they would not be brought up as their father wished, or start in life as he would have desired, and that the allowance asked for does not make any serious inroad upon the estate which, notwithstanding, will greatly augment before division ; and whereas it seems evident that the late John Ogilvie did not realize that, in deferring for a great number of years the division of his estate and his children receiving any benefit therein for such term, he exposed this children to the temptation of anticipating their benefits therein by disposing of or pledging the same to their possible great disadvantage ;

And whereas it is expedient to grant the prayer of the said petitioners ;

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

Payment to children of certain sum, yearly, till of age.

**1.** The said executors, trustees and administrators are hereby authorized and empowered to pay out of the revenue of the said estate the sum of one thousand five hundred dollars per annum to each of the children of the said late John Ogilvie after they have come of age and until the estate is divided when the youngest child comes of age.

Advance of certain amount to sons authorized.

**2.** The executors, trustees and administrators are also hereby empowered to advance and give to any son when of age, who may want the same, the sum of ten thousand dollars, such sum to be paid in anticipation and to be deducted, with simple interest at the rate of six per cent, from such son's share in the estate when the same may be divided.

Payment to daughters of certain sum on marriage.

**3.** On the marriage of any of the daughters of the said late John Ogilvie, the executors and trustees are empowered to pay to such daughter the sum of five thousand dollars to be given her, however, free from any control of her husband or from any liability for his acts, and to be taken out of the share in the estate in which her heirs may be interested, when the same may be divided, but without any interest being charged; and to Ida Helm Ogilvie, wife of Frank E. Moseley, of the city of Montreal, a like sum of five thousand dollars forthwith.

And to Mrs. Moseley, at once.

Certain sum to be paid to Mrs. Ogilvie, for maintenance of minors.

**4.** The said executors, trustees, and administrators are hereby empowered to pay to the mother, Dame Margaret Watson Ogilvie, the tutrix, or to any other person appointed as tutor or tutrix, or to set apart the sum of five thousand dollars per annum for the maintenance and support of the minor children, exclusive of expenses of education, which sum shall be reduced by six hundred dollars per annum for each and every child so soon as he or she comes of age.

Certain sums to be taken out of estate.

**5.** The said executors and trustees may and are hereby authorized and empowered to take out of the said estate the following sums for the following purposes:

Certain sum for executors.

**1.** The sum of eight thousand dollars per annum to be taken out of said estate for the remuneration of the services of the said executors and trustees, to be paid to said executors as follows: a sum of four thousand dollars to the Honorable A. W. Ogilvie; a sum of two thousand dollars to Philip S. Ross, and a sum of two thousand dollars to Margaret Watson Ogilvie, and

For monument at grave.

**2.** A sum not exceeding three thousand dollars for the erection of a monument at the grave of said late John Ogilvie.

6. On the death, resignation or ceasing to act of any executor, trustee or administrator, for any cause whatsoever, another shall be appointed with like powers and duties by a judge of the Superior Court, after such notice as may be ordered. Appointment of successors to executors.

Such judge or court shall have the right to fix the remuneration of the executor so appointed at any sum not to exceed the remuneration fixed by the foregoing clause. Remuneration of such successor.

7. On the division of the estate when the youngest child comes of age, the remuneration of the executors, administrators and trustees shall be reduced in proportion. Reduction thereof in certain event.

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

### C A P. X C V I I I.

An act to authorize the sale of property substituted by the last will and testament of Dame Emilie Henriette Helene Taché.

[Assented to 21st March, 1889.]

**W**HEREAS the late Dame Emilie Henriette Hélène Taché, wife separated as to property of the late Michel Charles Joseph Coursol, Esquire, in his lifetime a member of the House of Commons of Canada, by her last will and testament, duly executed in notarial form at the city of Montreal, on the first day of September eighteen hundred and eighty, before D. E. Papineau and his colleague, Notaries Public, and duly registered, the said testatrix gave and devised the usufruct of the whole of her property to the said Michel Charles Joseph Coursol, during his natural life, and at his death gave the usufruct thereof to her children, Marie Henriette Coursol, wife of Robert Kane, and Charles Joseph Quesnel Coursol; at their death the property to belong to their lawful children; Preamble.

And whereas the said Marie Henriette Coursol, wife of Robert Kane, the said Robert Kane, and the said Charles Joseph Quesnel Coursol, have, by their petition, represented, that there is certain immoveable property, belonging to the succession of the said Dame Emilie Henriette Helene Taché, which is so circumstanced as to render it unprofitable to the said succession, and that it is desirable in the interest of the usufructuaries, as well as of those who may hereafter become the owners of the said property, that the said property should be sold