

NATIONAL ASSEMBLY
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AN ACT RESPECTING THE GEORG STELLARI ESTATE

Bill 244

Introduced by Mr Marcel Parent, Member for Sauvé

Introduced 31 November 1988

Passage in principle 6 April 1989

Passage 6 April 1989

Assented to 12 April 1989

Coming into force: 12 April 1989

Act amended: None



Éditeur officiel
Québec



CHAPTER 124

An Act respecting the Georg Stellari estate

[Assented to 12 April 1989]

Preamble WHEREAS Georg Stellari, a citizen of Canada and a resident of Montréal, died at Vienna, Austria on 30 November 1963, leaving a holograph will dated 9 January 1961 and probated on 12 March 1965 (number 320 of the records of the Superior Court of the judicial district of Montréal);

Whereas in his will Georg Stellari indicated his intention that, besides certain specific legacies, the residue of his estate serve to create prizes and scholarships in the fields of literature and international law;

Whereas the testator appointed the Roman Catholic Archbishop of Montréal testamentary executor, without granting him sufficient powers to carry out his wishes, without naming him legatee and without indicating the nature of his property;

Whereas, in point of fact, it has taken years to establish the nature of the estate, which is made up of small amounts held in financial institutions in Canada and in the United States;

Whereas the Roman Catholic Archbishop of Montréal cannot act as testamentary executor and would prefer entrusting the property to the Université de Montréal, which agrees thereto provided it be named legatee;

Whereas the execution of this will of an extraordinary nature presents a number of serious difficulties, particularly as concerns the residuary legacy, and whereas adherence to the spirit of the will without naming a legatee is difficult;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Devolution
of property
to legatee

1. The property of the succession of Georg Stellari, who died on 30 November 1963, devolves to the Université de Montréal as legatee and the university shall have the seizin thereof until the will of the deceased has been fully executed.

Discretion
of legatee

2. The legatee shall have complete discretion to use the product of the estate, capital and interest, provided that it be applied to the study, advancement and promotion of Canadian literature in the French language and international law, in the manner it considers most suitable, without otherwise being obliged to comply in this respect with the will of Georg Stellari, probated on 12 March 1965 (number 320 of the records of the Superior Court of the judicial district of Montréal).

Obligations
of legatee

3. The legatee is charged with the same obligations as those conferred by the will on the testamentary executor in respect of individual legacies or rights conferred on third parties designated by name.

Rights
conferred
by will

This section shall not be construed as conferring more rights on individual legatees or on third parties designated by name than are conferred by the will.

Powers of
legatee

4. The legatee may, in respect of the property of the succession, carry on dealings with others, make any investments it considers appropriate and complete the settlement of the succession at the time and in the manner it considers expedient.

Acceptance
of succession

5. The legatee is deemed to have accepted the succession of Georg Stellari under benefit of inventory and is not under obligation for the liabilities of the succession which exceed the assets received.

Delegation
of powers

6. The legatee may delegate all or part of its powers to one or more persons, groups of persons, faculties or agencies, as it considers appropriate.

Release from
obligations

7. The Roman Catholic Archbishop of Montréal and his predecessors in office shall no longer have testamentary executorship of the succession of Georg Stellari. They are released from any obligation relating to the succession upon delivery to the legatee of any property of the succession in their possession once costs, fees and expenses have been paid.

Coming into
force

8. This Act comes into force on 12 April 1989.

Effect

This Act shall have effect from the date of the death of Georg Stellari, to wit, 30 November 1963.