

March 30

LONDON ESTATE SPLIT APPROVED BY COMMITTEE

**Public Interest Held to Be
Sufficient Grounds
for Change**

PASSED BY 34 TO 11 VOTE

On the broad grounds of public interest and that the intent of the testatrix was being maintained, the Legislature Private Bills Committee yesterday after two hours' discussion, approved, by a vote of 34 to 11, a City of London bill validating the terms of settlement of the estate of Mrs. Elsie P. Williams.

The vote was taken on the principle of whether or not the Legislature should amend the provisions of a will, which, according to any evidence offered to the committee, were made in full consideration and capacity by the testator or testatrix. Clauses in the bill were each passed separately once the will of the committee was established.

Opposed by Trustees.

Of the parties interested directly in the will, sole opposition came from the trustees set up under the terms, who were represented by R. S. Robertson, K.C.

Arthur Slaght, K.C., M.P., acting for the City of London, in a brief summary of the action, pointed out that Mrs. Williams was an adopted daughter of the late Daniel S. Perrin of London, and was left outright on his death an estate valued at \$668,000 and a fund of \$700,000, for which she had the use during her lifetime and over which she had power of appointment at the time of her death.

Mrs. Williams, he said, by her will on May 25, 1934, after making certain legacies and bequests, ruled that all her estate, including that part over which she had power of appointment, should be given to her executors, T. G. Meredith and Talbot MacBeth, as trustees, and that their survivors or successors in office should convert all with the exception of Windermere, her country estate, into a fund, and from that fund to pay out certain moneys under direction.

Provision for Housekeeper.

Among these, he said, was to be a payment to Harriet Kestle, her housekeeper, for her maintenance in Windermere for life, to maintain the country estate in good repair, and on the death of Harriet Kestle, or when she ceased to live at Windermere, to pay the net annual income of the trust fund to the City of London for the maintenance of the estate as a public park and museum, for the City of London.

Mary Ryan, he continued, a niece of the late Mr. Perrin, together with certain other nephews and nieces, sole blood heirs to the biscuit manufacturer, brought an action against the estate for a claim against that part which had been left by Mr. Perrin to Mrs. Williams with power of appointment. Before that action came to trial, in September, 1937, negotiations between the various parties brought the minutes of settlement which the Legislature was now asked to validate.

Important also to the dispensation of the estate was a clause in the will which ruled that if the City of London did not apply to the Legislature within two years of her death for power to accept the provisions for the city in the will, the entire estate was to go to the Ursuline Religious of the Diocese of London, which maintained a school for girls on property adjoining Windermere. This the city did in 1935, he said.

Terms of Settlement.

Terms of the settlement gave \$25,000 each to the nieces and nephews enjoined in Mary Ryan's action and settled \$100,000 upon the Ursuline Religious and set aside \$300,000 for maintaining Harriet Kestle and the country house while she lived at Windermere.

To the city was then given power to use the balance of the trust fund to build a hospital and a library in the city "instead of maintaining a park and a museum some three miles beyond the city limits and it must not be forgotten that it was Mrs. Williams's desire that the city should be her beneficiary." The hospital, he held, was needed urgently and if built would be named after Mrs. Williams.

Funds available from the estate for this purpose, after all the terms of settlement were made, would be somewhere around \$900,000, he stated. He emphasized also that had not the minutes of settlement been attained, that under the original will, the Roman Catholic order would not have received one cent, because the city had carried out the provision to accept the trust.