



## CHAPTER 132

### An Act respecting the Estate of the late Leslie Hamilton Gault

[Assented to, the 25th of April, 1940]

**WHEREAS** Leslie H. Gault, and James Frederick Preamble.

Gault, both of the city of London, England, and The Royal Trust Company, a body politic and corporate, duly incorporated and having its principal place of business for the Province of Quebec in the city and district of Montreal, acting in their capacity of testamentary executors and trustees of the estate of the late Leslie Hamilton Gault, in his lifetime of the city and district of Montreal, have by their petition represented:

That by his last will and testament, executed in the presence of witnesses, at Glasgow, in Britain, on the 30th day of March, 1916, probate whereof was duly granted by the Honourable Superior Court for the district of Montreal on the 19th day of March, 1923, the said Leslie Hamilton Gault, for the settlement of the succession to his name and estate, assigned, disposed and bequeathed to his wife, Dame Marion Anderson Davidson, Charles Ernest Gault, Perceval Rideout Gault and Samuel Hardman Lever and the survivors and acceptors, survivor and acceptor, of them, and the heir, being *sui juris* of the last surviving acceptor, as trustees and trustee, all and sundry, his whole means and estate, heritable and moveable, real and personal, of whatever description and wherever situated, and nominated the said trustees to be his testamentary executors, prolonging their powers beyond a year and a day fixed by law and annulling all other testamentary

provisions which he might have made before the said will ;

That the said Leslie Hamilton Gault died on the 14th day of November, 1922, and the said Dame Marion Anderson Davidson, his wife, Charles Ernest Gault, Perceval Rideout Gault and Sir S. Hardman Lever, accepted the said trust and executorship;

That Charles Ernest Gault, by judgment of the Honourable Superior Court for the district of Montreal dated the 24th day of July, 1923, and bearing number 779 of the records of the said court, was duly authorized to renounce the position of testamentary executor and trustee of and under the said will of the late Leslie Hamilton Gault;

That Sir S. Hardman Lever, by judgment of the Honourable Superior Court for the district of Montreal dated the 22nd day of May, 1936, and bearing number 704 of the records of the said court, was duly authorized to renounce the position of testamentary executor and trustee of and under the said will of the late Leslie Hamilton Gault;

That Perceval Rideout Gault, by judgment of the Honourable Superior Court for the district of Montreal dated the 22nd day of May, 1936, and bearing number 705 of the records of the said court, was duly authorized to renounce the position of testamentary executor and trustee of and under the said will of the late Leslie Hamilton Gault;

That Dame Marion Anderson Davidson, widow of the testator, Leslie Hamilton Gault, died in England on the 21st day of August, 1939;

That, in view of the renunciation of the other testamentary executors and trustees as above mentioned, Dame Marion Anderson Davidson was, on or about the 10th day of July, 1936, the sole and only testamentary executrix and trustee of and under the will of the late Leslie Hamilton Gault and therefore presented a petition, dated the 10th of July, 1936, to the Superior Court for the district of Montreal, in which she asked the said court that the two sons, issue of her marriage with the late Leslie Hamilton Gault, namely Leslie H. Gault and James Frederick Gault, both of London, England, and The Royal Trust Company, of Montreal, Canada, be named and appointed testamentary executors and trustees of and under the will of the said late Leslie Hamilton Gault, alleging that the assets of

the estate of the late Leslie Hamilton Gault were fairly considerable and that she was unable alone to properly and adequately look after the administration and execution of the estate and the trusteeship created in and under the will of the late Leslie Hamilton Gault and that, in fact, the said Leslie H. Gault and James Frederick Gault, and The Royal Trust Company, of Montreal, Canada, had for several years been acting as agents and advisers of the testamentary executors and trustees in the execution of the terms of the will of the late Leslie Hamilton Gault, by consent of all the interested parties, and that their appointment as testamentary executors and trustees would be efficacious and beneficial and to the best advantage and in the interests of all the heirs, and that the execution of the will of the late Leslie Hamilton Gault and the administration of his estate and of the trust thereby created were not yet terminated;

That, as appears from affidavits annexed to the said petition of Dame Marion Anderson Davidson, all the beneficiaries and legatees of the late Leslie Hamilton Gault, being aware of all the circumstances, consented to the granting of the said petition by the Superior Court and the said Leslie H. Gault, James Frederick Gault and The Royal Trust Company, of Montreal, Canada, accepted the said charge and position of testamentary executors and trustees of and under the will of the late Leslie Hamilton Gault;

That the said petition of Dame Marion Anderson Davidson was granted by judgment of the Honourable Superior Court for the district of Montreal, rendered on the 9th day of September, 1936, by the Honourable Mr. Justice Curran and bearing number 1153 of the records of the said court, and the said Leslie H. Gault, James Frederick Gault, and The Royal Trust Company, were thus appointed testamentary executors and trustees of and under the will of the late Leslie Hamilton Gault;

That doubts have arisen as to the jurisdiction of the Superior Court thus to appoint and nominate testamentary executors and trustees of and under the terms of the will of the late Leslie Hamilton Gault and it is important, therefore, to have ratified and confirmed by an act of the Legislature the appointment and nomination of the said Leslie H. Gault, James Frederick Gault and The Royal Trust Company as testamentary

executors and trustees of and under the will of the late Leslie Hamilton Gault, so named and appointed by the Superior Court for the district of Montreal, and also to provide for the future replacing of testamentary executors of the said estate;

That it is expedient, at the same time, to have ratified also all acts hitherto performed by the said testamentary executors and trustees, in so far as their capacity of testamentary executors and trustees is concerned;

And whereas they have prayed for the passing of an act for the above purposes, and whereas, under the circumstances, it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Appointment  
of executors,  
etc., ratified.

**1.** The appointment and the nomination of Leslie H. Gault and James Frederick Gault of London, England, and The Royal Trust Company, of Montreal, Canada, as testamentary executors and trustees of and under the will of the late Leslie Hamilton Gault, made hitherto by judgment of the Honourable Superior Court for the district of Montreal on the 9th day of September, 1936, and bearing number 1153 of the records of the said court, are hereby ratified and confirmed for all legal purposes.

Replacement,  
etc., of  
executors.

**2.** The Superior Court for the district of Montreal, or any one of the judges thereof, shall have power in the future to nominate, appoint and/or replace any testamentary executor and trustee of and under the will of the late Leslie Hamilton Gault, to all legal purposes, by following the procedure enacted by article 924 of the Civil Code of the Province of Quebec.

Acts not to  
be contested.

**3.** No acts hitherto performed by the testamentary executors and trustees of the said estate can be contested on the ground that they were not regularly appointed testamentary executors and trustees.

Costs, etc.

**4.** The estate shall pay the costs, disbursements and fees incurred by the passing of this act.

Coming into  
force.

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