



CHAPTER 139

An Act respecting the Estate of the late Honourable J. O. Villeneuve

[Assented to, the 8th of April, 1938]

WHEREAS Reginald L. Villeneuve, manufacturer, residing at Montreal, Province of Quebec; Jacques Villeneuve, Jr., manager, residing in the city of Montreal, Province of Quebec; Charles Eugène Villeneuve, inspector, residing in the city of Montreal, Province of Quebec; Edgar Villeneuve, annuitant, residing in the city of Montreal, Province of Quebec; Jean Villeneuve, agent, of the city of Montreal, Province of Quebec; Dame Adrienne Villeneuve, spinster of the age of majority, residing at Montreal, Province of Quebec, herein acting and represented by her curator, Jacques Villeneuve, duly elected to that office by and under the terms of the curatorship granted by the Superior Court in the district of Montreal, on the 21st of June, 1932; Dame Lia Villeneuve, wife separate as to property of Jacques Malouin, notary, of Valleyfield, Province of Quebec, and by him duly authorized; Dame Jeanne Villeneuve, wife separate as to property of Lucien Désy, of the city of Montreal, Province of Quebec, and by him duly authorized; Dame Marguerite Villeneuve, of the city of Montreal, Province of Quebec, wife legally separate as to bed and board of Antoine Lacasse; Dame Joséphine Morin, wife separate as to property of Albert Bergevin, of the town of Iberville, county of Iberville, Province of Quebec, and duly authorized by him; Dame Louise Morin, wife separate as to property of Harold Savoy, manufacturer, of St. Jean d'Iberville, Province of Quebec, and duly authorized by him; Dame Suzanne Morin, wife separate as to property of Maurice Forget, of the city of Montreal, Province of Quebec, and duly authorized by him; Pierre

Villeneuve Morin, insurance broker, residing at Iberville, county of Iberville, Province of Quebec; Dame Lucie Morin, wife separate as to property of Paul Savoy, manufacturer, of St. Jean d'Iberville, Province of Quebec, and duly authorized by him; Dame Madeleine Morin, spinster of the age of majority, residing at Iberville, county of Iberville, Province of Quebec; André Morin, manager, residing at Iberville, county of Iberville, Province of Quebec, have, by their petition, represented:

That, they are the heirs of the late Honourable Joseph Octave Villeneuve, in his lifetime Senator of the Dominion of Canada;

That, by his will executed before Joseph P. Landry, N. P., and Hilaire Hurteau, N. P., on the 16th of October, 1900, the late Honourable Joseph Octave Villeneuve, after having willed some particular legacies, bequeathed the residue of his moveable and immovable property to the children born or to be born of the marriage of each of his children, Jacques, Eugène, Frédéric and Rachel, in equal shares, making them his universal legatees;

That the testator died on the 27th of June, 1901;

That, under the fifth clause of his will, the testator directed his testamentary executors to provide for the maintenance and education of his universal legatees and authorized them to give them therefor an annual rent of two hundred dollars, from the age of eight years, and to pay them, on their becoming of age, the capital of such rent which he fixed at four thousand dollars;

That the testator willed that the residue of the property belonging to the said universal legatees remain in the hands of the said testamentary executors until final partition which was to take place only twenty years after the death of the testator and that the interest or revenues were to accumulate until such partition;

That, in conformity with the testator's wishes, the partition of his property was to take place on the 27th of June, 1921;

That, since the testator's death, owing to special circumstances, certain alterations have been made in the provisions of this will by the acts 2 Edward VII, chapter 115; 7 Edward VII, chapter 136; 5 George V, chapter 160; 9 George V, chapter 159; 10 George V, chapter 157; 11 George V, chapter 166; 13 George V, chapter 133; 17 George V, chapter 141; 21 George V, chapter 184, and 23 George V, chapter 170, and that the estate has since been governed

by the will of the 16th of October, 1900, as interpreted or altered by the said acts;

That, since the testator's death, all the moveable and immoveable property in the estate has been administered as a whole and as a going concern;

That the will was declared to entail trusteeship;

That, at the time of the partition provided for by the will, the testamentary executors must provide for the investment of sufficient sums to guarantee the payment of the rents mentioned in the will and in the aforesaid acts;

That, as enacted by section 1 of the act 23 George V, chapter 170, which replaced all previous acts relating to the date of the partition of the said estate, the powers of the three testamentary and fiduciary executors to continue the administration of the estate are to end on the 31st of December, 1938, and that, at such date, such executors must render an account to the heirs and hand over to them the residue of the property coming to them under the will of their grandfather, the Honourable J. O. Villeneuve;

That, with a view to liquidating the estate and facilitating partition, the testamentary executors have sold the immoveables of the said estate whenever they could do so to advantage, but the assets of the estate still consist of a considerable number of immoveables and that it would be greatly detrimental to liquidate the estate and proceed to the sale of all the immoveables composing it, in the present state of the real estate market, even with the improvement which might take place during the year 1938, the heirs realize that it will be impossible to proceed to the final partition between them of the immoveables of the J. O. Villeneuve estate on the 31st of December, 1938, and that, consequently, in their common interest, they must again retard and change the date of such partition;

That the present testamentary executors desire to resign from their duties on the 31st of December, 1938, giving an account of their administration to the heirs, in conformity with the preceding paragraphs, and that, accordingly, it would be in the interest of the universal legatees that new testamentary and fiduciary executors be appointed to see to the administration of the property of the estate and to proceed to the final liquidation of its property; that, for such purposes, the universal legatees are of the opinion that it would be expedient to appoint three amongst them, one from each root, for the purpose of seeing to such admi-

nistration and of proceeding to such liquidation of the property;

That, in conformity with the terms of the preceding paragraph, the universal legatees, all of the age of majority, desire to appoint and constitute as new testamentary and fiduciary executors of the estate, the said Reginald L. Villeneuve, manufacturer, Jacques Villeneuve, Jr., manager, and André Morin, manager, of the city of Montreal, Province of Quebec, to act as such from the day when the present testamentary executors of the estate cease their duties, that is to say from the 1st of January, 1939, until the final liquidation of all the property of the estate, with all the powers conferred upon the said testamentary and fiduciary executors under the terms of the will of the Honourable J. O. Villeneuve, and under the terms of the various acts enacted by the Legislature of the Province of Quebec;

That, in the interest of the universal legatees, the administration of the affairs of the estate by the new testamentary executors should be continued until the 31st of December, 1943, and the latter shall in the interval distribute each year, among the universal legatees, the moveable assets of the estate, including capital realized and revenues collected, but they shall retain a sufficient amount to guarantee the rents payable under the will and the special acts relating thereto, and to meet the expenses of the estate until the 1st of January, 1944, that is to say, until the final partition of the estate;

That it would also be in the interest of the universal legatees that the amounts which the new testamentary executors may pay each year to the said legatees be declared inalienable and unseizable up to an amount of six hundred dollars and be furnished as alimentary provision to each legatee;

That it would be fair and just that the new testamentary executors be each entitled to a compensation of three hundred dollars for each year during which they fulfil their duties;

That the testamentary executors of the estate and the large majority of the universal legatees have given their consent to the present petition; and

Whereas it is expedient to grant such petition;

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

11 Geo. V,
c. 166, s. 1,
replaced.

1. Section 1 of the act 11 George V, chapter 166, as replaced by the acts 13 George V, chapter 133, section 1;

17 George V, chapter 141, section 1; 21 George V, chapter 184, section 1, and 23 George V, chapter 170, section 1, is again replaced by the following:

1. Reginald L. Villeneuve, manufacturer, Jacques Villeneuve, Jr., manager, and André Morin, manager, are appointed to be the testamentary and fiduciary executors of the estate of the Honourable J. O. Villeneuve, from the day when the present testamentary and fiduciary executors shall cease their functions, that is to say, from the 1st of January, 1939, until the final liquidation of all the property of the estate, with all the powers conferred upon the said testamentary and fiduciary executors, under the terms of the will of the Honourable J. O. Villeneuve and under the terms of the different acts enacted for such purpose by the Legislature of Quebec.

Appointing of testamentary and fiduciary executors.

Any vacancy in the same office shall be filled in conformity with the provisions of the will in this respect."

Filling of vacancies.

2. The new testamentary executors of the estate of the Honourable J. O. Villeneuve are authorized to continue the administration of the aforesaid estate until the 31st of December, 1943, or until the final liquidation, if completed before that date, and they shall during the interval distribute each year among the universal legatees the moveable assets of the estate, including capital realized and revenues collected, but they must retain a sufficient amount to guarantee the rents and meet the expenses of the estate up to the 1st of January, 1944, that is to say, until the final partition of the estate.

Duties, etc., of new testamentary executors.

The extension of the administrative powers granted to the new testamentary executors shall in nowise modify the other provisions of the will.

Restriction.

3. The amounts which the new testamentary executors may pay each year to the said legatees are declared inalienable and unseizable up to an amount of six hundred dollars and shall be furnished as alimentary payment to each legatee.

Inalienability, etc., of certain amounts.

4. Each of the new testamentary executors shall be entitled to a compensation of three hundred dollars for each year during which they fulfil their functions.

Compensation of new executors.

5. The estate shall pay the costs, disbursements and fees incurred in connection with the passing of this act.

Costs, etc., of act.

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

Coming into force.

