



CHAPTER 170

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

[Assented to, the 15th of March, 1933]

WHEREAS Reginald Villeneuve, manufacturer, of La-Preamble. belle, county of Labelle, Province of Quebec, Jacques Villeneuve, manager, of the town of Mount Royal, in the Province of Quebec, and Pierre Villeneuve Morin, broker, of the city of 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 dated the 16th of October, 1900, executed before Jos. P. Landry and Hilaire Hurteau, notaries, the late Honourable Joseph Octave Villeneuve, after having willed some particular legacies, bequeathed the residue of his property, moveable and immoveable, to the living children, born or to be born of his children: Jacques, Eugène, Frédéric and Rachel, in equal shares, making them 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 bequeathed remain in the hands of his testamentary executors until final partition of his property which was to take place only twenty years after his death;

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

That, since the testator's decease, 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, and 21 George V, chapter 184, and that the estate has since then 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 subject to 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 the act 21 George V, chapter 184, authorizes, amongst other things, the testamentary executors to continue the administration of the estate until the 31st of December, 1934, for the purpose of liquidating its assets, which consist chiefly of immoveables;

That, in addition, under the said act 21 George V, chapter 184, the testamentary executors were authorized, from and out of the reserve of eight thousand five hundred and ninety-nine dollars and sixty cents appearing in the statement of the estate for the year 1930, to advance to each of the universal legatees hereinafter named or to their representatives, namely: Jean Villeneuve, Jeanne Villeneuve, wife of Lucien Désy, Marguerite Villeneuve, wife of Antoine Lacasse, and Edgar Villeneuve, the sum of five hundred dollars per annum for four years to be computed from the 1st of January, 1931, such sums to be imputed on their respective shares of the estate of the testator and deducted, at the time of the partition, from the said shares respectively;

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;

That in the interest of the heirs, the administration of the affairs of the estate should be continued by the testamentary executors until the 31st of December, 1938, but, further, if, after the 1st of January, 1935, a reasonable proportion of the assets of the said estate has been liquidated and realized, the universal legatees or their representatives shall be entitled to demand the partition of such realized proportion, taking into account, with the testamentary executors, the reserves necessary to meet and guarantee the rents payable under the afore-cited will and to meet the expenses of the estate until the 1st of January, 1939;

That for the purpose of aiding the definitive liquidation of the properties of the estate, whenever the heirs of the estate shall have found purchasers for any of the immovables of the estate, at a price agreed upon by them, the testamentary executors shall be bound to agree to the sale of the said immovable or immovables, at the price thus agreed upon, provided the conditions of sale are acceptable to them;

That the testamentary executors of the estate have given their consent to the present petition as well as the majority of the universal legatees; 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:

1. Section 1 of the act 11 George V, chapter 166, as replaced by section 1 of the act 13 George V, chapter 133, and by section 1 of the act 17 George V, chapter 141, and by section 1 of the act 21 George V, chapter 184, is again replaced by the following:

“**1.** The testamentary executors of the estate of the Honourable J. O. Villeneuve are authorized to continue the administration of the estate until the 31st of December, 1938, or until the final liquidation, if completed before that date, and they shall during the interval distribute each year among the universal legatees, minors as well as those of age, the moveable assets of the estate, including capital and revenue; but they shall retain a sufficient amount to guarantee the rents and meet the expenses of the estate up to the 1st of January, 1939, that is to say until the definitive partition of the estate. The investment of the part belonging to the minors shall be made in accordance with the provisions of Article 9810 of the Civil Code.

The extension of the administrative powers of the said testamentary executors shall in nowise modify the other provisions of the will.”

Continuation of administration by executors authorized.

Distribution to universal legatees.

Minors' share.

Provisions of will safeguarded.

2. The testamentary executors are authorized to pay in advance each quarterly instalment of the rents payable to Eugène Villeneuve, Jacques Villeneuve, Sr., Dame Rachel Villeneuve and Dame Frédéric Villeneuve, under the will of the late Honourable J. O. Villeneuve, as amended by the various acts concerning same, and the payments effected for the current year are confirmed and ratified.

3. For the purposes of aiding the definitive liquidation of the properties of the estate, whenever the heirs of the estate shall have found a purchaser for any of the immovable properties of the estate, at a price agreed upon by them, the testamentary executors shall be bound to agree to the sale thereof at the price thus agreed upon, provided the conditions of the sale are acceptable to them.

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

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