



CHAPTER 183

An Act respecting the estate of the late Arthur Roy

[Assented to, the 11th of March, 1931]

WHEREAS Dame Marie-Antoinette-Louise de Montigny, of the city of Outremont, widow of the late Arthur Roy, in his lifetime gentleman, of the same place; Henri Lespérance, accountant, of the city of Montreal, and *La Société d'Administration et de Fiducie*, a body politic and corporate, having its principal place of business in the said city of Montreal, have, by their petition, represented: Preamble.

That on the 9th of December, 1926, the late Arthur Roy, in his lifetime gentleman, of the city of Outremont, made his holograph will by which he appointed as his testamentary executors, his said wife, Dame Marie-Antoinette-Louise de Montigny, the said *Société d'Administration et de Fiducie* and Charles Edouard Gravel, gentleman of the said city of Outremont;

That the said will also provided for the replacing of the said Charles-Edouard Gravel as testamentary executor by the said Mr. Henri Lespérance, in the event of the said Mr. Gravel not being able to act;

That by a deed passed before notary J. A. Hamelin on the 29th of January, 1930, the said Charles-Edouard Gravel renounced the said office of testamentary executor, and was replaced in accordance with the will by the said Henri Lespérance;

That by deed passed before the said notary Hamelin, dated the 2nd of May, 1930, the General Trust of Canada was appointed curator to the substitution created by the said late Arthur Roy, by his holograph will dated the 9th of December, 1926, which deed of curatorship was homologated by the Superior Court of the district of Montreal on the 5th of May, 1930;

That, under the terms of his said will, the said Arthur Roy bequeathed to his said wife the enjoyment of two-thirds of the revenues of his estate, the other third of the said revenues to be capitalized each year, until the extinction of the said enjoyment, the capital of the said estate, after the extinction of the said enjoyment, to be delivered to the *Petites Sœurs des Pauvres*, and in their default to *L'Hôpital Notre-Dame*, or, failing the latter, to the city of Montreal, the whole upon the conditions imposed by the said testator;

That the said late Arthur Roy died at Outremont on the 27th of December, 1929, without having revoked his said will;

That the assets of the said estate is composed of some immoveables, and for the greater part of securities consisting of shares and bonds of commercial and industrial companies;

That doubts have been expressed as to the powers of the testamentary executors, and it is in the interest of the legatees of the said estate that more extended powers be granted to the said testamentary executors to permit them to carry out the wishes of the testator, and to have the property of the estate yield a suitable profit;

Whereas it is expedient that an act be passed to supplement the testamentary provisions of the said late Arthur Roy;

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

Powers to
sell.

1. The testamentary executors of the estate of the late Arthur Roy, in addition to the powers given by the testator, shall have power, with the consent of the curator to the substitution created by the said will, to sell by private sale, or by auction, as they may deem expedient, upon the prices and conditions that they may deem suitable, and without the necessity of obtaining the advice of a family council, or judicial authorization, the whole or any part of the moveable and immoveable properties of the estate, both present and those which the said estate may hereinafter acquire; but with the obligation in all cases to invest the proceeds of such sales in accordance with the provisions of article 981^o of the Civil Code.

Powers to
lease.

2. The said testamentary executors shall also have power to lease any of the immoveables now possessed by the said estate, or which the said estate shall hereafter possess, except those occupied by Mrs. Roy, as long as she shall occupy them.

3. In all the operations of the said estate, the decision of the majority of the said testamentary executors shall have the same effect as if they had been unanimous. Decision of majority.

4. The estate shall pay the costs, fees and disbursements incurred for the passing of this act, and the testamentary executors shall charge up the amount thereof to the capital of the estate. Payment of costs, etc.

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