



CHAPTER 171

An Act respecting the estate of the late Joseph Arthur Villeneuve

[Assented to, the 20th of March, 1930]

WHEREAS Israel Dupré, accountant; J. Séraphin Bock, Preamble. manager, and Paul Saint-Germain, advocate, all three of the city and district of Montreal, in their capacity as testamentary executors of the estate of the late J. Arthur Villeneuve, in his lifetime lumber merchant, of the same place, have, by their petition, represented:

That by his will dated the 29th August, 1913, passed before Mtres. Georges Antoine Bourdeau and Joseph Albert Bariteau, notaries, the said Joseph Arthur Villeneuve gave and bequeathed to Dame Yvonne Larivière, his wife, a yearly life rent of three thousand dollars to count from his death, and gave and bequeathed all his property, in full ownership to his children born and to be born, and, in case of his decease without leaving any descendants, he appointed his said wife his universal legatee, in full ownership, choosing and appointing his said wife, as his testamentary executrix, prolonging her 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 when the said Joseph Arthur Villeneuve made his will he was, jointly with the said Israel Dupré and Georges Antoine Bourdeau, testamentary executor of the estate of his father Léonidas Villeneuve, and the property of his father's estate was not to be given him until he attained the age of thirty years;

That the said Joseph Arthur Villeneuve died on the 10th of December, 1916, leaving four children now living;

That the said Dame Yvonne Larivière, being unable to administer the property of the estate of her deceased

husband, Joseph Arthur Villeneuve, presented a petition dated the 28th of December, 1916, to the Superior Court of the district of Montreal, in which she asked to be authorized to renounce her office of testamentary executrix of the estate, and desiring that such duty be confided to the testamentary executors already appointed to the estate of the said Léonidas Villeneuve, and to add to them the said J. Séraphin Bock, alleging that the appointment of the said Dupré, Bourdeau and Bock would be efficacious and beneficial to the heirs of the said J. Arthur Villeneuve;

That her said petition was granted by judgment of the Honourable F. O. Dugas on the 30th of December, 1916, and that the said Israel Dupré, Georges Antoine Bourdeau and J. Séraphin Bock accepted the said office;

That by an act of the Legislature of the Province of Quebec, 12 George V, chapter 148, (1922), certain powers were granted to the said testamentary executors, appointed by the said judgment of the 30th of December, 1916;

That it is in the interests of the legatees of the said estate that more extended powers be granted to the testamentary executors of the said estate;

That one of the above-mentioned testamentary executors, namely: Georges Antoine Bourdeau, died on the 21st of December, 1925, and was then replaced by Alphonse Morin, advocate and King's Counsel who, himself, died on the 2nd of March, 1926, and was in his turn replaced by Paul Saint-Germain, advocate and King's Counsel, one of the petitioners, this being upon the petition of the said Dame Yvonne Larivière, granted by the judgment of the Honourable Judge Coderre on the 11th day of March, 1926;

That doubts have arisen as to the jurisdiction of the Superior Court thus to provide for the replacement of testamentary executors of the said estate, and it is important, therefore, to have ratified, by an act of the Legislature, the appointment of all the executors of the said estate so named by the Superior Court of 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, insofar as their capacity of testamentary executors is concerned;

That the said Dame Yvonne Larivière, personally, and as tutrix to the said minor children, legatees of the said estate, concurs in the present petition;

Whereas it is expedient to pass an act to supplement the testamentary provisions of the said late Joseph Arthur Villeneuve;

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 12 George V, chapter 148, is replaced by the following: 12 Geo. V, c. 148, s. 1. replaced.

1. The testamentary executors of the said estate, in addition to the powers given them by the testator, may sell the moveable and immoveable property of the estate, build and subdivide the lots now belonging to the estate, acquire other lots, borrow, and to that end give hypothecs or other guarantees on the said land or any other land acquired. They may also give acquittance and radiation of the hypothecs. Any surplus monies not disposed of under the provisions of this act shall be invested in conformity with article 981^o of the Civil Code. Additional powers of testamentary executors. Investment of surplus money.

2. The appointment of all testamentary executors of the said estate, made hitherto by judgment of the Superior Court of the district of Montreal, is hereby ratified for all legal purposes. Appointment of testamentary executors ratified.

3. The said estate of Joseph Arthur Villeneuve shall continue to be administered by three testamentary executors, until the coming of age of the last of the minor children of the said Joseph Arthur Villeneuve, and provision shall be made for the future for replacing any of the said testamentary executors, by a petition to the Superior Court of the district of Montreal, in accordance with the provisions of article 924 of the Civil Code. Administration of estate.

4. No acts hitherto performed by the testamentary executors of the said estate can be contested on the ground that they were not regularly appointed testamentary executors. No contestation.

5. The estate shall pay the costs, disbursements and fees incurred by the passing of this act, and the testamentary executors shall deduct the amount thereof from the capital of the estate. Costs, etc., how paid and deducted.

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