



CHAPTER 142

An Act respecting the sale of an immoveable of the estate
of Jean de la Croix Joseph Comte

[Assented to, the 22nd of February, 1929]

WHEREAS Marie Joséphine Jeanne Comte, wife of Preamble.
Maxime Raymond, advocate, Federal member for
the city of Outremont, district of Montreal, has, by her
petition, represented:

That Jean de la Croix Joseph Comte died on the 1st of
February, 1913;

That the said Jean de la Croix Joseph Comte made a
will in authentic form, before Léandre Bélanger and A. Z.
Graton, notaries, on the 2nd of July, 1910; that on the
14th of December, 1910, he made a codicil in the form
derived from the laws of England, and on the 23rd of August,
1912, he made a second codicil, before the said notaries
Bélanger and Graton;

That by his will and codicils, Jean de la Croix Joseph
Comte, after having made certain particular legacies, be-
queathed the residue of his moveable and immoveable
property to his three daughters: Marie Joseph Elizabeth
Hélène Comte, wife of Alphonse Content, Marie Joseph
Thérèse Eugénie Comte, wife of Arthur Content, and
Marie Joséphine Jeanne Comte, wife of Maxime Raymond,
the petitioner, with substitution in favour of their chil-
dren;

That, by his will, the testator appointed Joseph Alphonse
Desrosiers, accountant, A. P. Frigon, accountant, and
Alfred Cinq-Mars, accountant and auditor, all of the city
and district of Montreal, his testamentary executors, ad-
ministrators and trustees, for a period of three years and
some months;

That the estate of Jean de la Croix Joseph Comte con-
sisted of negotiable securities and immoveable property;

That, by his will, the testator wished the residue of his property to be realized in money, except the shares or stock which he might have in the capital stock of the Bank of Montreal, debentures of the Province of Quebec, bonds of the Dominion of Canada, bonds of the city of Montreal, perpetual stock or bonds of the city of Quebec, the sum so realized in money to be employed, after payment of the debts, charges and legacies, in the purchase at market prices of shares or stock in the capital stock of the Bank of Montreal, long term debentures or bonds of the city of Montreal, bonds or obligations of the Province of Quebec or of the Dominion of Canada, the whole so that each denomination of securities purchased may be attributed in kind in equal shares to each of his legatees;

That the testamentary executors had, under the will, power to sell the moveable or immoveable property as aforesaid;

That the testamentary executors, although they entered into office on the 1st of February, 1913, have not, during their administration, sold any immoveable nor effected the partition of the property between the said legatees;

That under the act 7 George V, chapter 124, intituled: "An Act respecting the estate of Jean de la Croix Joseph Comte", passed by the Legislature of the Province of Quebec and assented to on the 22nd of December, 1916, the final partition of the residue of the property of the estate of Jean de la Croix Joseph Comte, including all the immoveables, was effected between the three legatees;

That under the will and the said act 7 George V, chapter 124, the immoveable known and described as being lot number 74, of the official plan and book of reference of Centre Ward of the city of Montreal, with the buildings thereon erected, was assigned in final partition to the petitioner in her quality of legatee and institute;

That the buildings now erected on the immoveable are very old and threaten to fall in ruin, and that the annual charges and repairs absorb a very great portion of the revenues derived from leasing them;

That the price of fifty thousand dollars was offered for the said immoveable, and that such sum of fifty thousand dollars would yield the petitioner a revenue, at least five or six times greater than that derived from leasing them;

That on the 29th of January, 1929, by a deed of sale before Edouard Biron, notary, in the city of Montreal, the petitioner, by mutual consent, sold, by private sale, to Desmarais and Robitaille Limited, the immoveable known and described as being No. 74 of the official plan and book of reference of Centre Ward of the city of Montreal, with

the buildings thereon erected, at the price of fifty thousand dollars paid in cash;

That the price paid for the said immoveable, namely fifty thousand dollars, was immediately reinvested in the purchase of bonds or obligations of the Dominion of Canada, registered in the name of the petitioner in her capacity of institute in the substitution created by Jean de la Croix Joseph Comte;

That the selling of such immoveable fulfilled the testator's wish to the effect that his property be sold in three years after his death, which sale could not under the circumstances be then made;

That the sale of such immoveable was in the interest of the petitioner and of the substitutes in the substitution;

Whereas it is expedient to grant the prayer contained in the said petition.

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

1. The deed of sale signed in Montreal on the 29th of January, 1929, before Mtre. Edouard Biron, notary, by Marie Joséphine Jeanne Comte, authorized by her husband Maxime Raymond, and signed by Desmarais and Robitaille Limited, represented by L. A. Robitaille, president of the said company, by which deed the petitioner sold to Desmarais and Robitaille Limited the immoveable known and designated as being No. 74 in the official plan and book of reference of Centre Ward, of the city of Montreal, with buildings thereon erected, at the price of fifty thousand dollars, paid in cash, is ratified for all legal purposes. Such deed of sale shall constitute in favour of the purchaser, Desmarais and Robitaille Limited, a valid and final title, as well as regards the institute as the substitutes in the substitution created by the will of Jean de la Croix Joseph Comte. Deed of sale
ratified.

2. The reinvestment of the price of sale amounting to fifty thousand dollars effected by the purchase of bonds or obligations of the Dominion of Canada, registered in the name of the petitioner in her quality of institute in the substitution created by Jean de la Croix Joseph Comte, is approved and ratified for all legal purposes, and the purchaser, Desmarais and Robitaille Limited, is discharged from all responsibility as regards the investment of the said price of sale. Reinvest-
ment ra-
tified.

Discharge as
to invest-
ment of
price of sale.

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