



CHAPTER 141

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

[Assented to, the 1st of April, 1927]

WHEREAS Jacques Villeneuve, gentleman, of the city of Montreal, in his capacity of tutor to his minor son, Jean, has, by petition, represented: Preamble.

That by his will, dated the 16th of October, 1900, executed before Jos. P. Landry and Hilaire Hurteau, notaries, the Honourable Joseph Octave Villeneuve, Senator of the Dominion of Canada, 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 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 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, and 13 George V, chapter 133, 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 13 George V, chapter 133, authorizes the testamentary executors to continue the administration of the estate until the 27th of June, 1928, for the purpose of liquidating its assets, which consist chiefly of immoveables;

That the said testamentary executors have sold a certain portion of the immoveables, but there still remains a large portion thereof to be liquidated, and that it would be greatly detrimental to the interested parties if the said estate were liquidated before the 31st of December, 1932, owing to the present condition 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, 1932;

That, during their administration, the testamentary executors of the said estate have acquired certain immoveable properties and doubts have arisen as to their power to make such acquisition;

That, by the act 11 George V, chapter 166, section 3, the titles to immoveable property acquired by the estate since the death of the testator were ratified insofar as the capacity of the executors in their quality was concerned;

That, since the passing of the said act, the testamentary executors have, in the interests of the estate, acquired certain other immoveable properties and on account of the doubts expressed as to the powers of the said testamentary executors as regards the latter acquisitions, it is expedient to ratify such acquisitions of immoveable property insofar as the capacity of the executors in their quality is concerned;

That all the interested parties join in this prayer;

And whereas it is expedient to grant such prayer;

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

replaced by section 1 of the act 13 George V, chapter 133, 166, s. 1, is again replaced by the following: replaced.

"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, 1932, or until the final liquidation, if possible 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. The investment of the part belonging to the minors shall be made in accordance with the provisions of article 981^o of the Civil Code. Continuation of administration by executors authorized. Distribution to universal legatees. Minors' share.

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

2. The titles to immoveable property acquired by the estate since the act 11 George V, chapter 166, are ratified insofar as the capacity of the executors in their quality is concerned. Titles ratified.

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

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