

C H A P. 124

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

[Assented to 22nd December, 1916]

Preamble.

WHEREAS Marie Joséphine Jeanne Comte, wife of Maxime Raymond, advocate, of the city of Outremont, district of Montreal, has, by petition, represented:

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

That on the 2nd of July, 1910, before Messrs. Léandre Bélanger and A. Z. Graton, notaries, the said Jean de la Croix Joseph Comte made a will in authentic form; 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, the said Jean de la Croix Joseph Comte, after certain particular legacies, bequeathed the residue of the 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 latter being the petitioner, with substitution in favor of their children;

That, by the said will, the said 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, administrators and trustees, for a term of three years and some months;

That the testamentary executors assumed office on the 1st of February, 1913;

That the estate of the said Jean de la Croix Joseph Comte consisted in moveable and immoveable property of very great value;

That, by his will, the said Jean de la Croix Joseph Comte willed that the residue of his property be divided by his testamentary executors between his said daughters, within three years from his death;

That, by his said will, the said testator willed that the residue of his property be realized in money—with the exception of the shares he might have in the capital stock of the Bank of Montreal, in bonds of the Province of Quebec, of the Dominion of Canada and of the city of Montreal, and the permanent stock or bonds of the city of Quebec,—

and that, when the debts, charges and legacies were paid, the amount so realized in money be used in purchasing, at market rates, shares in the capital stock of the Bank of Montreal, long term bonds of the city of Montreal, bonds or debentures of the Province of Quebec or of the Dominion of Canada, the whole in such manner that each denomination of securities acquired might be given in kind, in equal shares, to each of his legatees;

That the said testamentary executors under the said will were empowered to sell the moveable and immoveable property as aforesaid;

That the said testamentary executors, although they entered into office on the 1st of February, 1913, did not, during their said administration, sell any immoveable or effect any partition of property between the said legatees;

That the principal moveable securities now composing the said estate, are the following: six hundred shares of the capital stock of the Bank of Montreal; two hundred and forty-one bonds of the city of Quebec consolidated fund; one thousand and nineteen shares of the city of Montreal consolidated fund; five thousand and three hundred and twenty-two pounds of the permanent debenture stock of the city of Montreal; one thousand shares of the Montreal Tramways and Power Company, Limited; one hundred shares of the Dominion Steel Corporation; two hundred and twenty-five shares of the Civic Investment and Industrial Co.; fifty thousand dollars of bonds of the Montreal Tramways Co.; ten shares in the capital stock of Augustin Comte & Cie, Limited; three thousand five hundred shares of the Powerful Mining Company;

That, under the said will, the following moveable securities must be divided in kind, in equal shares, between the three said legatees, namely: six hundred shares of the capital stock of the Bank of Montreal; two hundred and forty-one bonds of the city of Quebec Consolidated Fund; one thousand and nineteen shares of the city of Montreal consolidated fund; fifty-two thousand three hundred and twenty-two pounds permanent debenture stock of the city of Montreal;

That likewise, under the said will, the said other moveable securities, namely: one thousand shares of the Montreal Tramways & Power Co., Limited; one hundred shares of the Dominion Steel Corporation; two hundred and twenty-five shares of the Civic Investment and Industrial Company; fifty thousand dollars of bonds of the Montreal Tramways Co.; ten shares of the capital stock of Augustin Comte & Cie, Limited; three thousand five hundred shares of the Powerful Mining Co., are to be sold, in order that when the debts, charges and legacies are paid, the proceeds

may be used in purchasing shares in the capital stock of the Bank of Montreal, long term bonds or debentures of the city of Montreal, bonds or debentures of the Province of Quebec or of the Dominion of Canada; such securities to be afterwards divided in equal shares between the three said legatees;

That the testator willed that the charges and debts of the estate be paid out of the proceeds of the said moveable securities not divisible in kind;

That, by his will, the said Jean de la Croix Joseph Comte expressly enumerated the payments to be made by his estate before the partition of the same;

That the testator willed that, during the execution of his will, his estate should form two masses, capital and revenue; that he caused to be charged to revenue only the following: an annual rent of four thousand dollars to each of the said legatees until the partition, the payment of the principal legacies, the life rents and the costs of administration;

That all the other debts and charges must be paid out of the capital;

That, during the execution of the said will, the testamentary executors did not pay all the particular legacies;

That when the testamentary executors paid the succession duties to the government of this Province, they charged them to revenue instead of charging them to capital, and that an equal amount must be repaid to revenue account;

That it is expedient, in order to carry out the testator's will, to proceed to the sale of the said moveable property, not divisible in kind as above mentioned, except such as form part of the lots hereinafter described—the proceeds thereof to be used as aforesaid—and to effect the partition;

That the estate consists moreover of the following immoveables:

An immoveable known and described as No. 74 of the official plan and book of reference of the centre ward of the city of Montreal, with the buildings thereon erected;

An immoveable known and described as No. 261 of the official plan and book of reference of St. Louis ward of the city of Montreal, with the buildings thereon erected;

The immoveables known and described as lots Nos. 15, 16, 17, 18, 19, 20 and 21 of the official subdivision of lot No. 895 of the official plan and book of reference of St. Louis ward of the city of Montreal, with the buildings thereon erected, with the lanes in connection therewith, and bearing the Nos. 1, 13 and 14 of the official subdivision of the said lot No. 895;

The immoveables known and described as being lots

Nos. 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15, 16, 17, 18, and 19 of the official subdivision of lot No. 555 of the official plan and book of reference of St. Lawrence ward, of the city of Montreal, with the buildings thereon erected, and the lanes in connection with the same, and bearing the numbers 7 and 8 of the official subdivision of the said lot No. 555;

That owing to a considerable drop in the real estate market, the immoveables could not be sold without heavy expense and great loss;

That it would be advantageous to the interested parties to provide for a mode of final partition which would not be expensive;

Whereas it is expedient to grant the prayer of the said petitioner;

Whereas the executors have ceased to hold office, and can no longer execute the will;

Whereas it would appear from the terms of the will that the testator desired that the division of his property should be final as regards the institutes and as regards the substitutes;

Whereas it is in the interest of the substitution that immoveables should not be sold, but that a division in kind should be made;

Whereas the other two legatees consent to the passing of this act;

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

1. Notwithstanding any provisions to the contrary contained in the will and codicils of the late Jean de la Croix Joseph Comte, the immoveables and securities hereinabove described shall form three lots, as follows:—

Division
into three
lots.

Lot No. 1.

The immoveables known and described as lots Nos. 15, 16, 17, 18, 19, 20 and 21 of the official subdivision of lot No. 895 of the official plan and book of reference of St. Louis ward of the city of Montreal, with the buildings thereon erected, and with the lanes connected therewith, and bearing the Nos. 1, 13 and 14 of the official subdivision of the said lot No. 895; and also fifteen thousand dollars of bonds of the Montreal Tramways Company;

Lot No. 2.

The immoveables known and described as lots Nos.

1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15, 16, 17, 18, and 19 of the official subdivision of lot No. 555 of the official plan and book of reference of St. Lawrence ward of the city of Montreal, with the buildings thereon erected and the lanes in connection therewith, bearing the Nos. 7 and 8 of the official subdivision of the said lot No. 555;

Lot No. 3.

An immoveable known and described as lot No. 74 of the official plan and book of reference of Centre ward of the city of Montreal, with the buildings thereon erected;

An immoveable known and described as lot No. 261 of the official plan and book of reference of St. Louis ward of the city of Montreal, with the buildings thereon erected; and also thirty-five thousand dollars of the bonds of the Montreal Tramways Company.

Assign-
ment of lots
to legatees.

2. These three lots are assigned to the three legatees in their quality of institutes under the substitution created by Jean de la Croix Joseph Comte, as follows:

a. Lot number one to Marie Joseph Thérèse Eugénie Comte, wife of Arthur Content; lot number two to Marie Joseph Elizabeth Hélène Comte, wife of Alphonse Content; lot number three to Marie Joséphine Jeanne Comte, wife of Maxime Raymond;

b. The above partition and distribution shall be final as regards both the institutes and substitutes;

Declaration
to be made
before
notary.

c. *La Société d'Administration Générale* hereinafter named trustee shall upon the sanctioning of this act make a declaration before a notary according to the terms of this and the preceding section. An authentic copy of such declaration shall be presented for registration at the proper registry office, and the registrar shall register it like all titles transferring property, and with the same effect.

Registra-
tion of
transfer.

d. *La Société d'Administration Générale* shall upon the sanctioning of this act have the transfer of the shares and debentures mentioned in this and the preceding section, registered at the office of the companies concerned.

Such transfer shall be made to the respective names of the two legatees mentioned in such two sections in their quality of institutes, and according to the above distribution.

Division of
securities to
legatees as
institutes.

3. The following securities shall be divided and given to the said legatees in their quality of institutes under the substitution created by Jean de la Croix Joseph Comte, as follows:

To Marie Joseph Elizabeth Hélène Comte, wife of

Alphonse Content, two hundred shares of the capital stock of the Bank of Montreal; eighty-one bonds of the city of Quebec consolidated fund; three hundred and thirty-nine shares of the consolidated fund of the city of Montreal; seventeen thousand four hundred and forty-one pounds of the permanent debenture stock of the city of Montreal;

To Marie Joseph Thérèse Eugénie Comte, wife of Arthur Content, two hundred shares of the capital stock of the Bank of Montreal; eighty bonds of the city of Quebec consolidated fund; three hundred and forty shares of the city of Montreal consolidated fund; seventeen thousand four hundred and forty-one pounds of the permanent debenture stock of the city of Montreal;

To Marie Joséphine Jeanne Comte, wife of Maxime Raymond, two hundred shares of the capital stock of the Bank of Montreal; eighty bonds of the city of Quebec consolidated fund; three hundred and forty shares of the city of Montreal consolidated fund; seventeen thousand four hundred and forty pounds of the permanent debenture stock of the city of Montreal.

Upon the sanctioning of this act *La Société d'Administration Générale* shall cause to be registered where it appertaineth the transfer of such securities. Such transfer shall be made to the names of the legatees above mentioned respectively as to the securities assigned to them in their quality of institutes. Transfers to be registered.

4. *La Société d'Administration Générale*, a body politic and corporate, having its chief place of business in the city of Montreal, shall, immediately after the sanction of this act, sell all the property, securities and claims forming part of the estate of the said Jean de la Croix Joseph Comte, at the date of his death, with the exception of those the partition whereof between the legatees is provided for by this act, and of those given individually by the testator; such sale to be made according to the rate on the stock exchange of such securities as are quoted there, and by public auction in the case of the others. The proceeds shall be used in repaying to the mass of the revenue the amounts which have been taken from it for the purpose of paying the charges and debts of the said estate, including the succession duties which were at the charge of the capital account, and further, of paying the costs mentioned in section 8 of this act. Property to be sold.
Use to be made of proceeds.

5. After the debts, charges and costs have been reimbursed and paid, the balance, if any, shall be used and divided by the said *Société d'Administration Générale* in purchasing bonds or debentures of the Province of Quebec Balance to be divided.

or of the Dominion of Canada. Such bonds or debentures shall be divided by the *Société d'Administration Générale* in equal shares between the three legatees in their quality of institutes. The *Société d'Administration Générale* shall have such securities registered where it appertaineth in the names of the legatees in their quality of institutes.

The partition hereby enacted shall be final for both the institutes and the substitutes.

Balance of
revenue to
be divided.

6. After paying, out of the mass of the revenue, the particular legacies, if any, which have not yet been paid, the *Société d'Administration Générale* shall divide the balance of the said revenue in equal shares among the said three legatees.

Securities,
&c., to be
handed over
to *La*
Société
d'Adminis-
tration
Générale.

The testamentary executors, or any other persons having securities, titles, documents or any other property belonging to the said estate, shall, upon the sanction of this act, hand the same over to the *Société d'Administration Générale*. This company shall collect any claims due to the estate.

Provisions
to remain in
force.

7. The provisions of the said will and codicils which are not affected by this act, shall remain in full force and effect.

Costs to be
charged to
capital.

8. The costs of the partition, the disbursements and fees of *La Société d'Administration Générale*, all the disbursements and fees of the counsel of the petitioner and of the other heirs incurred in obtaining the passing of this act, as well as those incurred in connection with a bill presented and rejected at the last session of the Legislature, and generally all judicial costs and disbursements incurred to date by the said estate, shall be charged to capital, and paid by the *Société d'Administration Générale*.

Immove-
ables to be
kept insured.

9. Each of the legatees shall keep continually insured against fire the immoveables assigned to her by this act. Such insurance shall be for an amount at least equal to the municipal valuation of the buildings thereon erected.

In the case of fire the amount shall be employed to repair or reconstruct the destroyed buildings.

This section shall apply likewise to any immoveables at any time acquired as investment for the proceeds of any property belonging to the substitution, and with which one or other of the legatees is charged.

Life rent to
be paid by
legatees.

The life rent of \$400 per annum created by the testator in favor of Mrs. Spenard shall be payable by the three legatees as provided in the will.

10. The testamentary executors shall render account of their administration to the *Société d'Administration Générale*, which is authorized to discuss, contest in law and at its discretion accept such rendering of account in the place of the legatees. Account by executors.

11. In the event of the *Société d'Administration Générale* being unable to act or resigning the office after having accepted it, any one of the legatees may, by petition, three days' notice whereof must be given to the other legatees, apply to a judge of the Superior Court of the district of Montreal to have another trust company appointed in the place of *la Société d'Administration Générale*. Appointment of another trust Co., in case of vacancy.

The trust company so appointed shall replace the *Société d'Administration Générale* for the purposes of this act.

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

CHAP. 125

An Act respecting the estate of the late Louis Hermenegilde Hébert

[Assented to 22nd December, 1916]

WHEREAS Dame Elodie Gauthier, of the city and district of Montreal, widow of Louis Hermenegilde Hébert, in his lifetime of the same place, wholesale merchant, in her capacity of tutrix to her minor child, Magdeleine Hébert, has by petition represented: Preamble.

That by his will dated 31st of August, 1907, made and passed before Messrs. H. P. Pépin and René Leroux, notaries, in the city of Montreal, the said late Louis Hermenegilde Hébert bequeathed the whole of his property, without exception, to his daughter Magdeleine, one-half in full ownership, and the other half as institute, with the obligation to give back at her death the said half of her property to her legitimate children or descendants according to the order of succession;

That by the said will it was provided that the said Magdeleine Hébert should receive, but only on attaining her majority, the revenues from the half of the property bequeathed to her in full ownership;

That the said Louis Hermenegilde Hébert bequeathed a rent to his daughter Magdeleine Hébert, amounting to six hundred dollars yearly, out of the revenues of his