

CHAP. 135

An Act for the relief of the heirs of Esprit Anaclet Généreux.

[Assented to 3rd April, 1912.]

WHEREAS F. A. Généreux, advocate ; Dame M. L. Généreux, wife separate as to property of L. Fréchon, and the latter to authorize her ; Dame M. M. Généreux, wife of I. M. Cormier, physician, and the latter to authorize her, all of Montreal, have by their petition represented : Preamble.

That by his will, made before N. Pérodeau, notary, on the 28th November 1900, and a codicil made before the same notary on the 28th January 1901, the late Esprit Anaclet Généreux, in his life-time trader of Montreal, did, among other provisions, bequeath, subject to a legacy of usufruct in favor of his wife, and to substitution, as mentioned in his said will and codicil, six shops contiguous to one another and situate on St. Catherine Street, Montreal and described in clause 9, of the said will, as follows : one of the said shops to each of his four children, the petitioners F. A. Généreux, Dame M. L. Généreux and Dame M. M. Généreux, and Joseph Généreux; another of the said shops to his grand-daughter, Berthe Bruneau, and the sixth shop to the five persons above mentioned in equal and undivided shares;

That the testator and his wife are now deceased;

That their son above mentioned, Joseph Généreux, died after the testator and that under the said will the one undivided fourth of the immoveable bequeathed to him belongs to each of the aforesaid co-legatees, subject to the same substitution as the other shops;

That, in his lifetime, the testator himself converted four of the shops into a single concern which they have always continued to treat in the same way and had leased them in that condition by a ten years' lease which will expire on the 1st May 1913;

That the testator appointed testamentary executors;

That such executors are still in office and will so continue until the opening of the above substitutions, but that it was ruled by the Court of Appeals, by three judges against two, reversing the judgment of the Superior Court in a case of the said Dame Berthe Bruneau and her husband, Mastai Pagnuolo, of Montreal, against the said testamentary executors, that the powers of the testamentary executors under the said will do not extend to the collection of the rents of the said substituted shops ;

That on the appeal taken from such judgment to the Supreme Court the latter decided that it had no jurisdiction;

That it is of the greatest importance that the said four shops should continue to be dealt with as a single concern and be leased as such and that otherwise their rental value would be greatly depreciated;

That owing to lack of agreement between the four institutes, the three petitioners, on the one hand and Mrs. Pagnuelo on the other, the administration of the said four shops as one concern and even the management of the two shops held undividedly by the said institutes, has become impossible;

That the only remedy for this state of affairs is to entrust the management of the said four shops to the testamentary executors and that it is expedient to do the same for the two other shops for which the same condition of affairs may arise ;

That it is necessary to remedy such state of affairs at once owing to the expiration of the current lease of the said four shops on the 1st May, 1913, and that otherwise all the institutes will suffer considerable damage ;

Whereas, the petitioners have prayed that an act be passed to the above effect and the said testamentary executors consent thereto ;

Whereas, it is expedient to grant the prayer contained in the said petition as to the shops possessed, or which may be possessed, individually by institutes;

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

Administra-
tion of cer-
tain shops.

1. From and after the coming into force of this act, the shops described in the ninth clause of the will of the late Esprit Anaclet Généreux, and now possessed or which may thereafter be possessed by the institutes undividedly under the said will, shall be administered, so long as there is no division between the institutes, by a trust company chosen by the institutes or, if they do not agree, appointed by a judge of the Superior Court, upon petition of one of them.

Coming into
force.

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