

their other properties, namely Nos. 257 and 351 of the cadastre of the parish of Ste. Foye, which is subject to the same substitution, on condition that the share of the purchase price coming to the institute be invested or deposited by the purchaser in accordance with the provisions of article 953a.

**2.** The expenses incurred in the passing of this act shall be borne by the purchaser. Expenses of act.

**3.** This act shall not affect the leases of the said immovable property which may have been made by the said proprietors. Saving clause.

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

## C H A P . 1 3 4

An Act respecting the estate of Alfred Roy, junior.

[Assented to 14th March, 1911]

**W**HEREAS Dame Anathalie Favreau, widow of Alfred Roy, junior, in his life-time of the city and district of Montreal ; Alfred Nap. Roy, testamentary executor and administrator of the estate of the said Alfred Roy, junior ; Antoine Ad. Roy, curator to the substitution of Alfred Roy, junior ; Maria Roy, wife separated as to property of Algenaphe Gervais, by the latter duly authorized and representing her minor children : Victor, Armandine, Berthe and Marie-Thérèse ; Angéline Roy, widow of Henri Lefort, manager, in her capacity of tutrix to her minor children : Guy, Ivette and Louissette ; Alberta Roy, wife separated as to property of Adélar Fortier, and the latter, both to authorize his wife and as representing his minor children : Roger, Yves and Paul, Fortier, all of the city and district of Montreal have, by their petition, represented:

That by his will, before Mr. Ladislas Archambault, notary public, made in Montreal on the 5th June, 1893, Alfred Roy, junior, appointed his five children, Alfred Napoleon, Antoine Adolphe, Maria, Angelina and Alberta, his heirs and legatees in the manner hereinafter set forth, and appointed as his testamentary executor and administrator Alfred Napoléon Roy, above mentioned, with full powers beyond a year and a day ;

That, in deference to the wish expressed in the will by the the said testator, his widow Dame Anathalie Favreau, has transferred and made over to the estate of the said husband, all her rights, advantages and property, in exchange for an

annual pension and life rent of thirteen hundred dollars which the estate pays her annually ;

That the sons of the testator are appointed the universal heirs and legatees, to the amount of one fifth each, in their father's estate ;

That the daughters of the testator are appointed his universal heirs and legatees in usufruct for one fifth each, during their life-time, the ownership of the said portion being bequeathed to their children of the first degree ; the said legacies to take effect respectively at the death of their mother ;

That the testator postponed and subordinated the coming of his legatees and heirs into possession of their various legacies, until the death of his widow, Dame Anathalie Favreau, and ordered, that, in the event of any or all his children leaving the paternal home or of the marriage of any or all of them, there should be paid them, out of the revenues of his estate, an annual pension or life rent of two hundred and fifty dollars each, payable by monthly instalments of twenty dollars, eighty and one third cents ;

That the said testator died on the 18th June, 1893, that since then his testamentary executor has acted as such, that the children have accepted as heirs and, in accordance with the aforesaid provision, the pension or life rent above mentioned is yearly paid to the said heirs ;

That such pension or life rent of twenty dollars, eighty and one third cents per month is the sole revenue which the heirs derive from their father's estate ;

That it is in the urgent interest of the universal legatees of the said Alfred Roy, junior, that his children should receive a higher rent or pension, in order to enable them to provide the said legatees, their children, with suitable education and instruction, in accordance with the fortune and social position they will be called upon to receive and occupy later on, and to facilitate for themselves the fulfilment of such obligations ;

That the cost of living, especially that of the maintenance and education of the children and of their settlement in life, has greatly increased and evidently exceeds the testator's provisions ;

That the financial condition of the estate allows it, without being in any way burdened, to pay a rent or pension of seventy-five dollars per month out of its revenues ;

That the present pension is entirely insufficient, and does not cover the most indispensable cost of living ;

That, on the other hand, the value of the estate has greatly increased since the testator's death, and the revenues have almost doubled ;

That such increase in the revenues of the estate was not foreseen by the testator who, in ordering how the revenues thus derived from the principal of the estate should be em-

ployed, did not prescribe the use that might eventually be made of the excess of the revenue ;

That it is in accordance with the spirit of the testator's provisions, as well as in the interest of his heirs, that the petitioners should be enabled to at least meet the strictly unavoidable requirements that devolve on them and that they should be paid out of the excess of the said revenues a rent or pension of seventy-five dollars per month ;

That the heirs, the children and grand-children of Alfred Roy, junior, are now in a position in which they are in the most urgent need of resources to enable them to complete their studies and education, or to live in accordance with their social position and the value of the estate ;

That the widow of the testator, the family council, the tutors, subrogate-tutors, testamentary executor and curator to the substitution support the present request ;

And whereas, Alfred Napoleon Roy, one of the petitioners has died without issue since the presentation of the said petition ;

And 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.** There shall be paid to each of the four children of the testator, to wit : Antoine Adolphe Roy, Maria Roy, Angéline and Alberta Roy, during the life-time of Dame A. Favreau, Payment of allowance to certain persons. their mother, a pension or life-rent of nine hundred dollars, payable in equal consecutive monthly instalments of seventy-five dollars, if the revenues of the estate permit, and if not in proportion to the yearly revenues thereof.

**2.** The testamentary executor of the estate of Alfred N. Roy junior is authorized to pay out of the excess of the revenues of the said estate to the said children of Alfred N. Roy, junior, this pension or life-rent of nine hundred dollars payable by equal monthly consecutive instalments of seventy-five dollars. Executor authorized to make certain payments.

**3.** The increase in the said rent or pension shall take effect in the year 1911, and the testamentary executor is authorized in such year to pay the testator's said children the surplus rent or pension authorized by this act. Increase when to take effect.

**4.** The estate of Alfred Roy, junior, shall pay the costs and disbursements incurred in obtaining the passing of this act. Costs of this act.

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