

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 115

AN ACT RESPECTING THE ARTHUR BOUVIER ESTATE

Bill 236

Introduced by Madam Christiane Pelchat, Member for Vachon

Introduced 16 November 1990

Passage in principle 17 October 1991

Passage 17 October 1991

Assented to 17 October 1991

Coming into force: 17 October 1991

Act amended: None





CHAPTER 115

An Act respecting the Arthur Bouvier estate

[Assented to 17 October 1991]

Preamble

WHEREAS Arthur Bouvier, who died on 25 May 1952, provided for the disposition of his property on his death by an authentic will executed on 1 July 1950 and registered at the registry office of the registration division of Verchères under number 58833;

Whereas the will contains a universal legacy by which the testator created a trust whose revenues must be used, in particular:

“(a) to pay an annual sum of \$850 to the school commissioners of the municipality of the parish of Sainte-Théodosie to help pay the annual salary of one lay teacher for boys attending the school of the school municipality of Sainte-Théodosie;

(b) to defray the costs of classical, commercial or agricultural studies, in an educational institution in the province of Québec, of children endowed with the talents and aptitudes necessary to benefit from such studies and whose parents are domiciled within the limits of the parish of Sainte-Théodosie...” (Translation);

Whereas the will provides that the selection of children who are to receive scholarships must be made by the pastor of the parish who “... must take great care in making his selection, taking into account the moral qualities of the child and his parents, assessing the character, abilities, natural talents and dedication of the candidate and assuring himself that the candidate will use the opportunity granted to him to the credit of the religion of his people and his country.” (Translation);

Whereas the will also provides that the trustees “will, on November first of each year, give the revenues which have not been

paid out and which constitute a surplus to the Congrégation des Oblats de Marie Immaculée, of the Juniorat de Chambly, to be used for the education and training of the poor children of that institution.” (Translation);

Whereas the school board of Varennes, which succeeded to the rights and obligations of the school commissioners of the school board of Sainte-Théodosie, has, by resolution of its council dated 24 October 1990, renounced the legacy of \$850 per year which was bequeathed to it;

Whereas, although classical, commercial or agricultural courses similar to those which were offered during the lifetime of the testator no longer exist, scholarships have continued to be granted out of the revenues of the trust created by his will;

Whereas for several years the selection of the recipients of scholarships has been made by the fabrique rather than by the pastor acting alone, and the religious convictions of the candidates have not been regarded as a determining factor;

Whereas the use of the term “children” by the testator raises a doubt as to the power of the fabrique to select a student of full age as the recipient of a scholarship;

Whereas the Juniorat de Chambly has ceased to carry on its activities, rendering the clause of the will relating to the distribution of surpluses inapplicable, and whereas, in practice, the foregoing does not seem to have posed a problem since the trust declares that it has distributed all the revenues available for scholarships as such;

Whereas the Missionnaires Oblats de Marie Immaculée (also known under the name of “Congrégation des Oblats de Marie Immaculée”) have been informed of the introduction of this Act and are not opposed to its passage;

Whereas the fabrique maintains a small library for the residents of the parish of Sainte-Théodosie and surrounding areas, and whereas it would benefit from the use, for such purpose, of part of the revenues of the trust created by the will of Arthur Bouvier;

Whereas the bishop of Saint-Jean-Longueuil, who has jurisdiction over the parish of Sainte-Théodosie, has been informed of the introduction of this Act and has consented to its passage;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Authoriza-
tion

1. The trust created by the will of Arthur Bouvier, registered at the registry office of the registration division of Verchères under number 58833, is authorized to pay up to 10 % of its revenues to the fabrique of the parish of Sainte-Théodosie for the purposes of the maintenance by such fabrique of a library for the residents of the parish of Sainte-Théodosie and the surrounding areas.

Scholarships

2. The trust is authorized to distribute, in the form of scholarships for students enrolled in an educational institution in Québec, that part of its revenues which exceeds the sums paid out under the authority of section 1.

Recipients

The recipients of these scholarships must have their principal residence in the parish of Sainte-Théodosie and they may be minors or of full age.

Selection

The selection of the recipients shall be made by the fabrique of the parish of Sainte-Théodosie and shall be based on the aptitudes of each applicant for the studies that he plans to undertake and on his financial situation.

Number of
scholarships

The fabrique has discretion over the number of scholarships to be granted and the amount thereof. It may decide to grant scholarships of unequal amounts and, if it considers that no valid application has been made during the fiscal year, it may decide to grant no scholarship.

Diocesan
charities

3. The trust is authorized to distribute to charities carrying on all or part of their activities within the diocese of Saint-Jean-Longueuil that part of its revenues which exceeds the sums distributed under section 1 or 2.

Costs

4. The trust is authorized to pay the costs incurred for the passing of this Act out of its revenues or, if necessary, out of its capital.

Coming into
force

5. This Act comes into force on 17 October 1991.

Effect

Sections 1 and 2 have effect from 1 January 1970; however, the trust is not authorized to pay retroactively any sum which would not have been paid under section 1 prior to the date of coming into force of this Act.