

1982, chapter 108

AN ACT RESPECTING THE J. ROMÉO PÉPIN ESTATE

Bill No. 260

Introduced by Mr Guy Bisailon

First reading: 10 November 1982

Second reading: 17 December 1982

Third reading: 17 December 1982

Assented to: 18 December 1982

Coming into force: 18 December 1982

Act amended: None



CHAPTER 108

An Act respecting the J. Roméo Pépin estate

[Assented to 18 December 1982]

Preamble. WHEREAS J. Roméo Pépin died on 26 September 1964 and, under his will made on 26 July 1961, bequeathed in trust, subject to certain particular legacies, the remainder of his property, moveable and immoveable, to the General Trust of Canada so that the latter create, out of the residue of the property and any income therefrom, a fund to be used, until it is exhausted, to pay for classical studies at the Séminaire de Saint-Hyacinthe for the descendants of his brothers and sisters who might aspire to become priests;

Whereas all the particular legacies contained in the will have been paid up;

Whereas, since the testator's death, the public and private school system has been changed and, following the adoption of the General and Vocational Colleges Act (R.S.Q., chapter C-29), the colleges and seminaries have ceased to provide classical studies for their students;

Whereas the Séminaire de Saint-Hyacinthe has been offering only high school studies since 1968 and it has thus become impossible to carry out the object of the trust stipulated in the will as prescribed by the testator;

Whereas none of J. Roméo Pépin's nephews has benefited from the trust and whereas several descendants of his brothers and sisters now reside at a great distance from the Saint-Hyacinthe region;

Whereas the General Trust of Canada, in its capacity as testamentary executor and fiduciary, is not authorized to hand over the trust property to the legal heirs of the testator;

Whereas it is in the interest of the legal heirs of the testator that the trust fund not be left in the hands of the General Trust of Canada until the expiry of the time limit provided for in article 932 of the Civil Code;

Whereas certain persons who, at the time of the death of J. Roméo Pépin, were among his legal heirs, died between 26 September 1964, the date of the death of J. Roméo Pépin, and 19 April 1980, the date of the publication in the *Gazette officielle du Québec* of the first notice relating to this Act, and the legal heirs or legatees of those persons are not necessarily legal heirs of J. Roméo Pépin;

Whereas the General Trust of Canada, the Séminaire de Saint-Hyacinthe and the Roman Catholic bishop of Saint-Hyacinthe consent to the passing of this Act;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

- Partition authorized. **1.** The General Trust of Canada, in its capacity as testamentary executor and fiduciary of J. Roméo Pépin, under a will made on 26 July 1961 before Jean Guillet, notary, is authorized, notwithstanding the terms of the will, to hand over nine-tenths of the residue of the trust property to the legal heirs of the testator on 19 April 1980, in accordance with the order of succession determined by the Civil Code as it read on that date.
- Residue. **2.** The General Trust of Canada shall remit to the bishop of Saint-Hyacinthe that part of the residue of the trust property which is not distributed under section 1.
- Scholarships. The bishop of Saint-Hyacinthe shall distribute that property as scholarships for the training of priests at a faculty of theology in Québec.
- Coming into force. **3.** This Act comes into force on the day of its sanction.