



CHAPTER 127

An Act respecting the Tancrède Bienvenu estate

[Assented to 22 December 1978]

Preamble. WHEREAS Tancrède Bienvenu died in the city of Westmount on 5 February 1931, leaving a last will dated 2 March 1929, amended by codicils dated 2 March, 5 September, 11 October and 4 December 1929, respectively;

Such will and codicils were registered in the office of the registration division of Montreal under numbers 387159, 387160, 387161, 387162 and 387163;

By his will, Tancrède Bienvenu instructed his testamentary executors and trustees to pay an annual life rent or annuity of six thousand dollars to each of his children, commencing upon their attaining the age of forty-five years;

By the terms of such will and codicils, two of the daughters of the testator were excluded from such rent or annuity; one was to receive an annual life rent of six hundred dollars and the other was bequeathed an annual life rent of three thousand dollars from the death of her mother, now deceased, while both were to benefit upon certain conditions by the annual rent or annuity of six thousand dollars payable to their brothers and sisters;

The first of the two daughters specially provided for died on 27 November 1972, and the second, on 1 February 1976;

It is provided in the will that upon the death of each of the children of the testator, the testamentary executors and trustees shall pay to each son and daughter of the deceased child an annual rent or annuity of twelve hundred dollars;

It is provided in the will that at the expiry of one year from the death of the testator, the testamentary executors and trustees shall

each receive an attendance allowance of \$25 per month, depending on their holding at least one meeting per month;

In virtue of chapter 132 of the statutes of 1963, the rents or pensions mentioned above were increased, respectively, from six to eight thousand dollars, from six to eight hundred dollars, from three to five thousand dollars and from twelve hundred to two thousand four hundred dollars;

In virtue of chapter 90 of the statutes of 1970, the rent or pension of eight thousand dollars was increased to ten thousand dollars, that of eight hundred, to one thousand dollars, and that of two thousand four hundred, to three thousand six hundred dollars;

In virtue of chapter 114 of the statutes of 1974, the rent or pension of ten thousand dollars was increased to fifteen thousand dollars, and that of three thousand six hundred dollars to five thousand dollars;

It is in the interest of the beneficiaries that the rent or pension generally provided for the children of the testator, and that of the grandchildren of the testator whose mother or father is deceased, be increased;

In virtue of chapter 114 of the statutes of 1974, the attendance allowance paid to each of the testamentary executors and trustees of the Tancrede Bienvenu estate was increased from twenty-five to fifty dollars per month, and it is in the interest of the testamentary executors that the amount of this allowance be increased;

It is also provided in the will that, in the event of the death, disability, or refusal to act or to continue to act, of any of the testamentary executors or trustees, those remaining must, within thirty days of such occurrence, appoint another by a majority of votes, and it is in the interest of the beneficiaries as well as of the testamentary executors that this period be lengthened to ninety days;

The revenue of the estate is amply sufficient to allow such increase of rents, pensions or attendance allowances;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1963

(1st sess.),
c. 132, s. 3,
am.

1. Section 3 of chapter 132 of the statutes of 1963 (1st session), replaced by section 2 of chapter 90 of the statutes of 1970 and by section 1 of chapter 114 of the statutes of 1974, is amended by adding the following paragraph:

Rent
adjusted.

"This rent is adjusted each year according to the increase in the Consumer Price Index for Canada issued by Statistics Canada

under the Statistics Act, effective from 1 January of each year, if it increases the amount of the rent.”

1963

(1st sess.),
c. 132, s. 4,
am.

2. Section 4 of the said chapter, replaced by section 3 of chapter 90 of the statutes of 1970 and by section 4 of chapter 114 of the statutes of 1974, is amended by adding the following paragraph:

Rent
adjusted.

“This rent is adjusted each year according to the increase in the Consumer Price Index for Canada issued by Statistics Canada under the Statistics Act, effective from 1 January of each year, if it increases the amount of the rent.”

1974,

c. 114, s. 3,
am.

3. Section 3 of chapter 114 of the statutes of 1974 is amended by adding the following paragraph:

Attendance
allowance
adjusted.

“This attendance allowance is adjusted each year according to the increase in the Consumer Price Index for Canada issued by Statistics Canada under the Statistics Act, effective from 1 January of each year, if it increases the amount of the allowance.”

Replace-
ment of
testamen-
tary
executors.

4. In the event of the death, disability, or refusal to act or to continue to act, of any of the testamentary executors and trustees of the Tancrede Bienvenu estate, the thirty-day period provided in article XI of the will of Tancrede Bienvenu for replacing any of them, is lengthened to ninety days from the occurrence.

Effect.

5. This act is effective as from 1 January 1977.

Coming
into force.

6. This act comes into force on the day of its sanction.