



NATIONAL ASSEMBLY

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Bill 270
(Private)

An Act respecting the Fondation des bourses d'études Curé Louis Aldéric Desjardins

Introduction

Introduced by
Mr Paul-André Forget
Member for Prévost

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Bill 270

(Private)

An Act respecting the Fondation des bourses d'études Curé Louis Aldéric Desjardins

WHEREAS by notarial deeds executed between 1949 and 1952 in the registry office of the registration division of Terrebonne under the numbers 167 141, 170 601, 180 578 and 180 579, Louis Aldéric Desjardins gave various sums of money or securities to the Corporation du Petit Séminaire de Sainte-Thérèse and entrusted the corporation with distributing the income as scholarships to the descendants of his nephews and nieces and to children in the region of Sainte-Thérèse and in the parishes of Saint-Clément-de-Viauville, Saint-Sauveur-des-Monts and Sainte-Geneviève-de-Pierrefonds;

Whereas Louis Aldéric Desjardins died on 9 August 1955 and had settled the disposition of his property upon his death by a will recorded on 18 June 1945 by Joseph Théophile Legault under number 15 336 of his minutes, and by three holograph codicils dated 6 May 1950, 5 January 1951 and 21 January 1952 and probated on 7 February 1956 (No. 111 in the records of the Superior Court for the judicial district of Montréal);

Whereas by the codicil dated 21 January 1952, Louis Aldéric Desjardins instructed his executor to give half of the residue of his property to the Séminaire de Sainte-Thérèse to have it added to the "Curé L.A. Desjardins" scholarship fund to be used for the education of the children of his nephews and nieces, and whereas the legacy was executed;

Whereas under the Act incorporating the "Seminary of St. Thérèse" (1957-58, chapter 165), the Seminary of St. Thérèse succeeded to the Corporation du Petit Séminaire de Sainte-Thérèse;

Whereas the Seminary of St. Thérèse has not offered secondary or college-level education since the end of the 1967-68 school year;

Whereas the Seminary of St. Thérèse granted scholarships from 1949 to 1968 but ceased doing so at the end of the 1967-68 school year;

Whereas the property from the gifts and the property from the legacy were mingled and are administered as a whole under the name “Fondation des bourses d’études Curé Louis Aldéric Desjardins”;

Whereas the deeds of gift contain various rules relating to the choice of recipients that would be difficult to apply in the present-day context and whereas the rules setting the maximum amount of the scholarships no longer correspond to the current cost of living;

Whereas the Seminary of St. Thérèse offered education to young men only, whereas Louis Aldéric Desjardins on several occasions expressed the desire that the recipients enter the priesthood, whereas it is uncertain that he intended to offer scholarships to female students, whereas it is probable that only a small portion of students benefiting from the scholarships will enter the priesthood, whereas the proportion of secondary, college or university-level female students is now much higher than at the time the trusts were set up and whereas it is therefore advisable to enable the scholarships in the Fondation des bourses d’études Curé Louis Aldéric Desjardins to be granted to female persons;

Whereas in the deeds of gift, Louis Aldéric Desjardins qualifies the recipients as “children”, whereas at that time, the age of majority was 21 years and whereas it is expedient to remove any doubt over the possibility of granting scholarships to persons of full age;

Whereas once the Civil Code of Québec comes into force, it will be possible to consider the Fondation d’études Curé Louis Aldéric Desjardins to be a social trust that is perpetual, whereas it is possible that in the foreseeable future, the application of this Act will give rise to difficulties and whereas it is advisable to ensure at this time that the interested persons will be able to apply to the courts as if this Act were a judgment rendered by the court under article 1294 of the Civil Code of Québec;

Whereas it is advisable to apportion the capital of the Fondation des bourses d’études Louis Aldéric Desjardins between the descendants of the nephews and nieces of the settlor and the Seminary of St. Thérèse;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Seminary of St. Thérèse shall, before 1 April 1994, remit 50 % of the capital of the Fondation des bourses d'études Curé Louis Aldéric Desjardins to Gérard Desjardins and to Camille Houle.

2. For the purposes of the apportioning of the property referred to in section 1 among the legal heirs of Louis Aldéric Desjardins,

(1) Louis Aldéric Desjardins is deemed to have died intestate on 1 January 1994;

(2) Gérard Desjardins and Camille Houle have the powers and obligations of a liquidator.

3. In its capacity as trustee of the Fondation des bourses d'études Curé Louis Aldéric Desjardins, the Seminary of St. Thérèse shall distribute the income from the Fund as secondary, college or university-level scholarships to persons having their principal residence in the diocese of Saint-Jérôme or in the parishes of Saint-Clément or Sainte-Genève, both on the island of Montréal.

The scholarship recipients may be of either sex and may be minors or persons of full age. Also, they may be persons who for several years have ceased being full-time or part-time students and who wish to return to school to obtain a diploma or degree considered in practice to be essential on the labour market, to upgrade their knowledge in the profession they are practising or wish to practise, or to redirect their career.

The Seminary shall base its decision on the candidates' aptitude for the studies they are considering and on their financial needs.

4. The Seminary of St. Thérèse shall have discretion over the number of scholarships and the amount of each. It may decide that the scholarships will be of different amounts, and even that no scholarship will be granted if it considers that no valid application was made during the fiscal year.

At the end of the fiscal year, any income that has not been distributed as scholarships shall be mingled with the capital.

5. This Act is deemed to be a judgment rendered under article 1294 of the Civil Code of Québec for the purposes of the provisions of that article.

6. The costs for passage of this Act shall be paid out of the income from the Fondation des bourses d'études Curé Louis Aldéric Desjardins during the fiscal year in which the Act comes into force.

Any income from the Fund exceeding the costs shall be apportioned between the Seminary of St. Thérèse and the legal heirs of Louis Aldéric Desjardins in the proportion set forth in section 1.

7. This Act comes into force on 1 January 1994.