



## CHAPTER 107

### An Act respecting the Estate of the late Joseph Narcisse Perrault

[Assented to, the 20th of March, 1941]

**W**HEREAS Dame Rebecca Perrault, wife of Omer Archambault; Dame Eva Archambault, wife of Henri Farand; Miss Alice Archambault, spinster; Dame Marie Antoinette *alias* Simone Archambault, wife of Émile Tremblay; Dame Françoise Archambault, wife of Omer Tremblay; Joseph Omer Archambault, electrician; and Albert Bertrand, broker, in his quality of tutor to Roland Archambault, Rolande Archambault, Hubert Archambault and Denise Florence Archambault, minor children of the said Joseph Omer Archambault, by virtue of an act of tutorship homologated by the Superior Court for the district of Montreal on the 6th day of December, 1940, all of the city of Montreal, have, by their petition, represented:

That by his will, executed at Montreal on the 3rd of February, 1927, before Joseph Honoré Girard and Édouard Bourdon, notaries, and by a codicil executed at Montreal on the 13th of July, 1927, before Joseph Honoré Girard and Édouard Bourdon, notaries, Joseph Narcisse Perrault, in his lifetime of Montreal, gentleman, disposed of his estate as follows:

*a.* To various religious and charitable institutions, to his sister, the said Dame Rebecca Perrault, and to his nephew by marriage, the said Henri Farand, he bequeathed certain particular legacies payable as soon as possible after his death, which have in fact been paid;

*b.* Out of the revenues of the residue of his estate, an annuity of two thousand four hundred dollars was to be paid to the said Dame Rebecca Perrault in monthly instalments of two hundred dollars each

during her lifetime, and an annuity of two hundred dollars, in semi-annual instalments of one hundred dollars each on the 1st of May and the 1st of November in each year, until the date of the death of the said Rebecca Perrault, was to be paid to each of his nieces hereinabove named—Dame Eva Archambault, Miss Alice Archambault, Dame Marie Antoinette *alias* Simone Archambault and Dame Françoise Archambault—the remainder of the revenues of his estate to be capitalized pending the final partition of the estate;

c. If any of the above-named annuitants, other than Dame Rebecca Perrault, were to die before the partition of the estate, the annuity bequeathed to the deceased was to be divided amongst the said deceased's lawful heirs or representatives, if any, and otherwise it was to accrue to the other annuitants;

d. In the event of the death Dame Rebecca Perrault before the 1st of February, 1949, all the revenues of the estate were to be divided, from the date of her death until the 1st of February, 1949, between his nephew, Joseph Omer Archambault, and the said Eva Archambault, Alice Archambault, Marie Antoinette *alias* Simone Archambault and Françoise Archambault, in equal shares, except as to the said Joseph Omer Archambault, who was to receive two hundred dollars less than the others;

e. Upon the death of the said Rebecca Perrault, if it occurred on or after the 1st of February, 1949, or on that date, if her death occurred sooner, the estate was to be divided between the said Eva Archambault, Alice Archambault, Marie Antoinette *alias* Simone Archambault, Françoise Archambault and the said Joseph Omer Archambault, subject nevertheless to the *proviso*, as to the last named, that he was to receive only the use and usufruct of his share during his lifetime, the principal passing to his children born or to be born and being administered for each of them until he should have attained the age of thirty years by the fiduciary legatees and administrators hereinafter mentioned;

f. All the above legacies, annuities and rents were declared to be given as private property, excluded from any community of property, and as alimentary provisions and unseizable.

That the testator died on the 26th of November, 1927;

That Henri Farand, rentier, Honorius Sauv , broker, and Albert Bertrand, broker, all of Montreal, are

the present fiduciary legatees and administrators of the said estate in virtue of the said will and codicil;

That the petitioners are now the only persons interested in the will of the said Joseph Narcisse Perrault as legatees, annuitants or usufructuaries;

That the said Eva Archambault, Alice Archambault, Marie Antoinette *alias* Simone Archambault and Françoise Archambault and the minor children of the said Joseph Omer Archambault, namely: Roland Archambault, Rolande Archambault, Hubert Archambault and Denise Florence Archambault, are in want and will be unable to obtain the necessities of life unless the annuities, rents or allowances contemplated by the said will and codicil are increased;

That the present capital value of the estate is about \$138,700 and the net revenue is about \$6,100;

That the said revenue, without touching the capital and leaving even a balance of revenue, permits of increasing the annuities, rents or allowances contemplated by the said will and codicil for the said Eva Archambault, Alice Archambault, Marie Antoinette *alias* Simone Archambault, Françoise Archambault and the said minor children of Joseph Omer Archambault:— Roland Archambault, Rolande Archambault, Hubert Archambault and Denise Florence Archambault;

That it is expedient and in accordance with the true intent of the will of the said Joseph Narcisse Perrault that the said annuities, rents or allowances be increased to an amount sufficient to relieve the above named beneficiaries from want and to enable them to obtain the necessities of life ;

That an annual rent or allowance of nine hundred dollars for each of the said Eva Archambault, Alice Archambault, Marie Antoinette *alias* Simone Archambault and Françoise Archambault and an aggregate annual rent or allowance of nine hundred dollars for all the minor children of the said Joseph Omer Archambault, are necessary in order to meet their needs until the division of the capital or, as the case may be, of the total revenue of the estate in the event of the death of the said Rebecca Perrault before the 1st of February, 1949;

That the payment of the said annuities, rents or allowances will in no way affect the annuity granted to Dame Rebecca Perrault or impair the capital of the estate;

Whereas the petitioners have prayed for the passing of an act for the above purposes and it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

- Payments to be made.**      **1.** From and after the 1st of February, 1941, and until the death of Dame Rebecca Perrault, the fiduciary legatees and administrators of the estate of the late Joseph Narcisse Perrault shall, provided the net revenues of the estate be sufficient for that purpose and provided that the annual life rent or allowance of two thousand four hundred dollars granted to Dame Rebecca Perrault be not thereby affected, pay to Dame Eva Archambault, Miss Alice Archambault, Dame Marie Antoinette *alias* Simone Archambault and Dame Françoise Archambault, semi-annually, on the first of May and on the first of November in each year, an annual life rent or allowance of nine hundred dollars each, and to the children born or to be born of Joseph Omer Archambault, electrician, an aggregate annual life rent or allowance of nine hundred dollars to be divided equally between them.
- Will, etc., modified.**      **2.** The provisions of the last will and codicil of the late Joseph Narcisse Perrault are modified accordingly.
- Succession duties.**      **3.** The heirs of the estate of the late Joseph Narcisse Perrault shall be obliged to pay the succession duties which would have been payable if the will of the late Joseph Narcisse Perrault had provided what is enacted by this act.
- Costs.**      **4.** The costs incurred for the passing of this act shall be borne by the estate.
- Coming into force.**      **5.** This act shall come into force on the day of its sanction.