



CHAPTER 139

An Act respecting the Chénier Emond Estate

[Assented to, the 17th of December, 1931]

WHEREAS Maurice Gauthier, clerk, and Alice Emond, ^{Preamble.}
widow of W. Lyons Gauthier, both of the city of
Montreal, have by their petition, represented:

That, by his will made on the 5th of October, 1915, Chénier Emond appointed Edmond Emond, his father, René Emond, his brother, and Alice Emond, his sister, his universal legatees in full ownership, subject to the administration of the testamentary executors who could not remit the principal until after the extinction of various life-rents created by the will, stipulating that, in the case of the predecease of René Emond or Alice Emond without leaving any descendants, the share of the predeceased should accrue to the other, and that in the event of his leaving children, the above universal legacies would be void;

That the testator died without leaving any children;

That, by his will, the testator created a yearly life-annuity of one hundred dollars per month in favour of his wife who is still alive; another rent of one hundred and fifty dollars per month in favour of his father, Edmond Emond, now dead and whose universal legatee is the said Alice Emond; another rent of fifty dollars a month in favour of his sister, Alice Emond, widow of W. Lyons Gauthier, until the coming of age of her son Maurice, and, after the coming of age of the latter, such rent to be seventy-five dollars per month; another rent of fifty dollars per month in favour of his brother, René Emond, until the coming of age of the said Maurice Gauthier, and, after the coming of age of the latter, such rent to be one hundred dollars per month; another rent of fifty dollars per month

to Maurice Gauthier, until his coming of age, and, after such coming of age such rent to be one hundred dollars per month;

That René Emond died leaving a minor child, Marie Renée, who, on coming of age, will receive the amount of twenty-five thousand dollars and during minority receives the revenues produced by such amount;

That to guarantee the rent of the said Maurice Gauthier a principal of twenty-five thousand dollars was established, which principal he may dispose of by will and if he dies without leaving any descendant and without having disposed of such principal, the rent of his mother, Alice Emond, was to be increased to one hundred dollars per month, and she would have the right to dispose of such principal of twenty-five thousand dollars by will;

That the rents payable to Maurice Gauthier and to his mother, Alice Emond, have never been sufficient for their needs and that, in order to meet living requirements, they have been obliged to incur debts, the said Maurice Gauthier in the sum of five thousand one hundred and twenty-nine dollars and ninety cents and his mother in the sum of ten thousand seven hundred dollars and thirty-seven cents;

That Alice Emond is now universal legatee for two-thirds of the property of the estate and can only receive the principal after the extinction of the life-rents hereinbefore mentioned, which means that she can never receive her share of the principal;

That Alice Emond wishes to receive immediately the sum of fifteen thousand eight hundred and thirty dollars and twenty-seven cents out of her share of the principal to enable her to pay her own debts and those of the said Maurice Gauthier;

That the rents payable to the said Maurice Gauthier and Alice Emond under the said will are insufficient and that they should be increased to one hundred and twenty-five dollars per month;

That it is also expedient to grant to the said Marie Renée Emond a portion of the principal corresponding to that which the said Alice Emond will receive as she is legatee for one-third of the said estate, payable at her coming of age, and also a monthly rent of thirty-seven dollars and fifty cents;

That the estate is able to pay such sums;

That the testamentary executors favour the adoption of an act to such effect;

Whereas it is expedient to grant the prayer contained in the said petition;

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

1. The testamentary executors of the Chénier Emond estate are authorized to advance out of the share of the principal belonging to the said Alice Emond, as one of the universal legatees of the said Chénier Emond, the sum of fifteen thousand eight hundred and thirty dollars and twenty-seven cents, of which ten thousand seven hundred dollars and thirty-seven cents shall serve to pay the debts of the said Alice Emond and five thousand one hundred and twenty-nine dollars and ninety cents shall serve to pay the debts of the said Maurice Gauthier, provided that the payments be made by the testamentary executors direct to the creditors of the said Alice Emond and of the said Maurice Gauthier.

Testamentary executors of Chénier Emond estate authorized to advance certain sum.

The said testamentary executors shall pay to the said minor daughter of René Emond, Marie Renée Emond, at her coming of age, in addition to the sum of twenty-five thousand dollars granted to her by the will of the said Chenier Emond, a principal sum of seven thousand nine hundred and fifteen dollars and fourteen cents which shall be charged to her share in the estate, and, until her coming of age, the said testamentary executors shall pay to her interest, at the rate of five per cent per annum on such sum of seven thousand nine hundred and fifteen dollars and fourteen cents, payable monthly or half-yearly, at the discretion of the said executors, without prejudice to her other rights under the said will.

Additional payments to Marie Renée Emond.

2. The said testamentary executors shall, in future, pay to the said Maurice Gauthier and to the said Alice Emond a rent of one hundred and twenty-five dollars per month each, instead of those fixed by the said will, and to the said minor daughter of René Emond, Marie Renée Emond, a rent of thirty-seven dollars and fifty cents per month until the handing over of her share of the principal of the estate, without prejudice to her other rights under the said will.

Future payments to heirs.

3. The rents, the payment whereof is authorized by this act, shall be considered in the nature of an alimentary allowance and shall not be assignable or liable to seizure, as prescribed by the said will.

Rents not assignable, etc.

Payment
of costs.

4. The cost of this act, including the fees and disbursements of the attorneys of Marie Renée Emond, shall be paid by the mass of the estate of the late Chénier Emond.

Coming into
force.

5. This act shall come into force on the day of its sanction.