



CHAPTER 134

An Act respecting the estate of the late Ludger Alain

[Assented to, the 24th of February, 1927]

WHEREAS Aline Alain, wife separate as to property Preamble.
by marriage contract of Joseph Georges Caron, civil engineer, duly authorized by the latter for the purposes hereof; Thérèse Alain, wife, separate as to property by marriage contract, of E. C. Hosner Taylor, civil employee, and duly authorized by the latter for the purposes hereof; Mariette Alain, spinster of the age of majority and in the exercise of her rights; Dame Maud Chaperon, widow and not remarried of the late Ludger Alain, in his lifetime advocate, of Chicoutimi, in her capacity as tutrix of her minor child Laurette Alain, have, by their petition, represented:

That by holograph will, dated the 14th of December, 1919, at Chicoutimi, the said Ludger Alain:

1. Bequeathed to his wife Maud Chaperon: an annual life-rent of six thousand dollars, subject to keeping with her, feeding and suitably maintaining those of her children who are not provided for by marriage or otherwise;

2. Bequeathed the ownership of all his property without exception, other than that bequeathed as particular legacies, to his children in equal shares among them;

3. Stipulated that the "children should only have the enjoyment of their respective shares upon the extinction of the rent created in favour of their mother", that is to say upon the death or second marriage of the latter;

4. Appointed, as testamentary executors, Maud Chaperon, his wife, and Raymond Belleau, notary, giving them power to administer until the final partition of his property among his children;

Whereas the said Ludger Alain died on the 11th of June, 1922, at Quebec, and the said will was probated in the dis-

trict of Chicoutimi, on the 27th of June, 1922, and the testamentary executors accepted their appointment, and are still in office;

Whereas, in all probability, the time for the final partition of the said estate is still very remote;

Whereas, among the children of the said Ludger Alain, some, who are married, are in want and threatened with poverty before long, and the debts, charges and rents of the estate, having been discharged, there is a yearly surplus of revenue which would allow the testamentary executors to assist them if they had the power to do so;

Whereas the testator did not foresee in his will the case of his children provided for by marriage or otherwise being in want, and the provisions of the will show this oversight;

Whereas the property of the estate being largely composed of hypothecary claims payable by instalments without interest, there may be a doubt on the interpretation of the word "revenue" as regards these;

Whereas all those interested in the estate consent that, out of the surplus of the revenues of the estate over the expenses (but including accumulated or capitalized revenues), the annual charges and rents having first been paid, a sum of one thousand dollars be paid yearly as an advance to each of the children of the said late Ludger Alain provided for by marriage or otherwise, or to their representatives;

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:

Advances
authorized.

1. The testamentary executors, administering the estate of the late Ludger Alain, may, out of the surplus of the revenues of the estate over expenses (but including accumulated or capitalized revenues), the annual charges and rents having first been paid, make yearly to each of the children of the said late Ludger Alain, established by marriage or otherwise, or to their representatives, an advance of a sum not to exceed one thousand dollars, payable quarterly, on the first day of January, April, July and October. The advances so paid to any of the said children or representatives and the interest thereon at a rate not exceeding six per cent per annum, capitalized each year, shall be imputed upon his or her share of the property of the said testator and shall be accounted for and deducted at the partition of the said property.

2. For the purpose of this act as regards credits payable by instalments without interest, the revenue shall be deemed to be the interest at the rate of six per cent per annum upon the then present value calculated at six per cent simple interest of the instalments to fall due on each credit. Revenue.

3. The costs of this act shall be borne by the estate of the late Ludger Alain. Costs of this act.

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