



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 274

(Private)

**An Act respecting the Fonds des bourses
d'études du curé Louis Aldéric
Desjardins**

Introduction

**Introduced by
Madam Lucie Papineau
Member for Prévost**

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Bill 274

(Private)

AN ACT RESPECTING THE FONDS DES BOURSES D'ÉTUDES DU CURÉ LOUIS ALDÉRIC DESJARDINS

WHEREAS Louis Aldéric Desjardins, deceased on 9 August 1955, gave or bequeathed various property to the Séminaire de Sainte-Thérèse, and entrusted the seminary with distributing the income as scholarships to the descendants of his brothers and sisters 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 the Séminaire de Sainte-Thérèse has not offered secondary or college-level education since the end of the 1967-68 school year, whereas as of that date, the seminary ceased to grant scholarships, and whereas the property from the gifts was mingled with the property from the legacy of Louis Aldéric Desjardins and is administered as a whole in a fund subsequently given the name “Fonds des bourses d'études du curé Louis Aldéric Desjardins” ;

Whereas, given the greater accessibility to education, secondary and college-level scholarships hold less interest for the descendants of the brothers and sisters of the settlor than they did in 1955, whereas having to make a choice from among several university-level scholarship applications might create dissension between various descendants of the settlor's nephews and nieces, and whereas it therefore appears preferable that the portion of the Fonds des bourses d'études du curé Louis Aldéric Desjardins intended for the benefit of the descendants of the settlor's brothers and sisters be apportioned among them in the form of capital payment ;

Whereas none of the brothers and sisters of Louis Aldéric Desjardins survived him, whereas several of his nephews and nieces have died and whereas it is appropriate that the surviving nephews and nieces not exclude descendants of his brothers and sisters in more distant degrees ;

Whereas, with respect to the portion of the fund intended for the benefit of the population of various regions, it is appropriate to give the Séminaire de Sainte-Thérèse greater discretionary powers than those it had in 1955 by virtue of its constituting Act and the wishes of Louis Aldéric Desjardins, so as to enable the seminary to respond to changing needs in the field of education, and whereas, considering both the desire of the settlor to promote the training of priests and the limited number of candidates for the priesthood, it is expedient to extend the territory in which candidates for scholarships are required to reside to all of Québec ;

Whereas the distribution of scholarships to the population of various regions may continue over an extended period, whereas problems may arise for which no solution is provided in this Act, and whereas it is appropriate to give the Séminaire de Sainte-Thérèse the power to apply to the court pursuant to article 1294 of the Civil Code of Québec;

Whereas the proceedings to settle, by way of a private Act, the problems of the Fonds des bourses d'études du curé Louis Aldéric Desjardins were instituted before the coming into force of the Civil Code of Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Séminaire de Sainte-Thérèse shall, before 1 October 1998, remit 50% of the capital of the Fonds des bourses d'études du curé Louis Aldéric Desjardins to the succession of Louis Aldéric Desjardins.

2. For the purposes of the apportionment of the property remitted under section 1, the succession of Louis Aldéric Desjardins shall devolve and be administered in accordance with the following rules:

(1) Louis Aldéric Desjardins is deemed to have died on 1 May 1998, leaving his property to his brothers and sisters in equal portions with representation by roots in favour of the descendants of his brothers and sisters, whatever the degree;

(2) Gérard Desjardins and Camille Houle, the nephew and grand-nephew of Louis Aldéric Desjardins, respectively, are the liquidators of the succession.

3. The Séminaire de Sainte-Thérèse shall distribute the income from the Fonds des bourses d'études du curé Louis Aldéric Desjardins as secondary, college-level or university-level scholarships to persons having their principal residence in Québec.

Notwithstanding section 4 of the Act to incorporate the "Seminary of St. Therese" (1957-58, chapter 165), the recipients of scholarships may be of either sex, and may be minors or persons of full age. Also, they may be persons who have not been full-time or part-time students for several years and who wish to return to school to obtain a diploma or degree considered in practice to be necessary on the labour market, to upgrade their knowledge in the profession they are practising or wish to practise, or to reorient their career.

The Seminary shall base its decision on the candidates' aptitude for the studies they wish to undertake and on their financial needs. It may give priority to candidates for the priesthood.

4. The Séminaire de Sainte-Thérèse shall have discretion over the number of scholarships, the amount of a scholarship and the person to whom a scholarship is granted. The seminary may decide that the scholarships will be

of unequal amounts, and even that no scholarship will be granted if it considers that no valid application was made during a fiscal year.

At the end of a fiscal year, any income that has not been distributed as scholarships shall be mingled with the capital or used for the purposes provided for in the Act to incorporate the “Seminary of St. Therese”.

5. This Act is deemed to be a judgment rendered under the authority of 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 Fonds des bourses d’études du curé Louis Aldéric Desjardins during the fiscal year in which the Act comes into force.

Any income from the Fonds des bourses d’études du curé Louis Aldéric Desjardins that exceeds those costs shall be apportioned in the manner provided for the capital in sections 1 and 2.

7. This Act comes into force on (*insert here the date of assent to this Act*).