

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 82
**AN ACT RESPECTING THE HERBERT JAMES SYMINGTON
ESTATE**

Bill 205

Introduced by Mr Russell Williams, Member for Nelligan

Introduced 12 May 1992

Passage in principle 21 December 1992

Passage 21 December 1992

Assented to 22 December 1992

Coming into force: 22 December 1992

Act amended: None



CHAPTER 82

An Act respecting the Herbert James Symington estate

[Assented to 22 December 1992]

Preamble WHEREAS Herbert James Symington died on 28 September 1965 leaving a will which was passed before Herbert Bayne McLean and Colleague, notaries, on 5 December 1960 and recorded in the minutes of the said notary under number 22217;

Whereas under article VI of the will a trust was created comprising the deceased's residuary estate;

Whereas the trustees were first of all directed to pay an annuity of \$50 000 to the deceased's widow during her lifetime; she died on 8 January 1972;

Whereas upon the death of the deceased's widow the trust was divided into two equal shares comprising separate trusts for each of the deceased's two daughters who are both still living;

Whereas the will provides that during each daughter's lifetime an annuity of \$20 000 is to be paid to her from her share of the trust and any surplus revenue is to be accumulated and added to the capital thereof, and upon her death the capital of her share is to be divided amongst her issue in equal shares by roots as they respectively attain forty years of age;

Whereas the personal property and income of one of the deceased's daughters Margaret Eakin are sufficient to preclude her from ever requiring the annuity of \$20 000 payable to her under her father's will;

Whereas Margaret Eakin has renounced all her rights under her father's will, namely the annuity of \$20 000, by a deed which was

passed before David Whitney, notary, on 3 April 1992 and recorded in the minutes of the said notary under number 22790;

Whereas Margaret Eakin's issue in the first degree who are entitled to the capital of her share of the trust are her four children who are all living and over forty years of age, namely Barbara Gael Eakin, William Robert Symington Eakin, Vera Lynn (Eakin) Young and Joan Margaret (Eakin) Hoffmann;

Whereas Margaret Eakin's said children are in such a position that the distribution of the capital and surplus revenues accrued on their mother's share of the trust would be of considerable benefit to them and it is in their interest that such distribution be made without delay;

Whereas it is unclear from the terms of the will whether upon Margaret Eakin's renunciation of all her rights in the trust the capital of her share can be distributed to her issue who are over forty years of age;

Whereas all the interested persons of full age consent to the passing of this Act;

Whereas a curatrix to the minor grandchildren has been appointed and she has been authorized, by judgment, to consent to the passing of this Act (No. 500-14-001474-923 of the records of the Superior Court for the district of Montréal);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Authoriza-
tion

1. Notwithstanding the provisions of article VI of the will of the late Herbert James Symington which was passed before Herbert Bayne McLean and Colleague, notaries, on 5 December 1960 and recorded in the minutes of the said notary under number 22217, the trustees of the trust created under the will of Herbert James Symington are authorized to distribute the capital and surplus revenues of Margaret Eakin's share of the trust to her children Barbara Gael Eakin, William Robert Symington Eakin, Vera Lynn (Eakin) Young and Joan Margaret (Eakin) Hoffmann in equal shares upon the coming into force of this Act.

Coming into
force

2. This Act comes into force on 22 December 1992.