

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1989, chapter 125

AN ACT RESPECTING THE MORRIS WEXLER ESTATE

Bill 229

Introduced by Madam Joan Dougherty, Member for Jacques-Cartier

Introduced 6 June 1988

Passage in principle 21 June 1989

Passage 21 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Act amended: None



CHAPTER 125

An Act respecting the Morris Wexler estate

[Assented to 22 June 1989]

Preamble

WHEREAS Morris Wexler died on 24 November 1956 leaving a will dated 6 February 1956 made in the form derived from the Laws of England and whereas the will was probated on 27 March 1957 (number 274 of the records of the Superior Court of the district of Montréal for the year 1957);

Whereas the will creates two trusts and the income derived therefrom must be paid to the two daughters and the son of the testator and to their children, the capital to be divided among the great-grand-children;

Whereas, under paragraph *f* of clause 9 of the will, the trustees are directed to invest the property of the trusts in bonds issued by the Government of Canada;

Whereas, considering the changes in economic conditions that have occurred since the death of the testator, the trustees wish to be authorized to invest the property of the trusts in accordance with article 981*o* of the Civil Code, and whereas it is expedient to grant such request;

Whereas the surviving descendants of Morris Wexler who are interested in the trusts and who are not trustees are all of full age and whereas they consent to the passing of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Investment
of property

1. Notwithstanding paragraph *f* of clause 9 of the will of Morris Wexler dated 6 February 1956 and probated on 27 March 1957

(number 274 of the records of the Superior Court of the district of Montréal for the year 1957), the trustees of the trusts created by the will of Morris Wexler are authorized to invest the property of the trusts in accordance with article 981o of the Civil Code.

Effect

2. Section 1 shall cease to have effect one year after the coming into force of article 1333 of the Civil Code of Québec, enacted by section 2 of the Act to add the reformed law of persons, successions and property to the Civil Code of Québec (1987, chapter 18) or, if the trustees have instituted legal proceedings to obtain the powers of administration granted by articles 1380 to 1385 of the said Code, on the fifteenth day after the date on which the judgment becomes executory.

Legal proceedings

If the legal proceedings are dismissed or only partly accepted, the trustees may keep the investments made under section 1 but may replace them only by investments authorized either by the will or by the judgment.

Coming into force

3. This Act comes into force on 22 June 1989.