

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 105

AN ACT RESPECTING THE NAPOLÉON M. LAGUEUX ESTATE

Bill 212

Introduced by Mr Réjean Doyon, Member for Louis-Hébert

Introduced 9 June 1988

Passage in principle 17 June 1988

Passage 17 June 1988

Assented to 17 June 1988

Coming into force: 17 June 1988

Act amended: None



CHAPTER 105

An Act respecting the Napoléon M. Lagueux estate

[Assented to 17 June 1988]

Preamble

WHEREAS Napoléon M. Lagueux died on 23 September 1952, leaving a will executed under number 2855 of the minutes of Pierre-Paul Turgeon, notary, and amended by a holograph codicil for which probate was granted on 1 October 1952;

Whereas the testator appointed a trust company and two natural persons to carry out the terms of the will and manage the trust funds he had established, whereas he provided for their replacement and whereas the two natural persons appointed by the testator were replaced by two others;

Whereas the will contains, among other stipulations, a legacy of \$25 000 to Carmelle Paré, adopted daughter of the testator, and, pursuant to the amendment made by codicil, it also contains a legacy of \$15 000 to Henri Lagueux, son of the testator, and whereas the testamentary executors and trustees manage both legacies, paying a monthly pension to Carmelle Paré and the revenues to Henri Lagueux;

Whereas the will also contains a universal legacy, under which Henri Lagueux and his sisters Claire, Thérèse and Marie Lagueux are the universal legatees and whereas pursuant to the codicil, the legacy is paid to them by monthly instalments of \$225 each;

Whereas the two natural persons who are testamentary executors and trustees are also legatees concerned by this Act;

Whereas two legatees concerned by this Act, one of whom is a testamentary executrix and trustee, are in a difficult financial situation;

Whereas, according to cost-of-living figures, the amount of \$225 in 1952 is, in terms of purchasing power, approximately equivalent to \$866 in 1987, and whereas it would therefore be expedient that the testamentary executors and trustees be authorized to increase the monthly instalments paid under the will of Napoléon M. Lagueux and the codicil thereto up to a maximum of \$866;

Whereas it would also be expedient to divide the universal legacy, thus permitting, in particular, the \$15 000 legacy to Henri Lagueux and his share in the universal legacy to be managed jointly;

Whereas the other legatees concerned by this Act and the trust company which is a trustee have been informed of the introduction of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Increase of
instalments

1. The testamentary executors and trustees appointed to carry out the terms of the will of Napoléon M. Lagueux, executed under number 2855 of the minutes of Pierre-Paul Turgeon, notary, and to manage the trust funds established under the will shall increase, according to the request made by the legatees but not in excess of \$866, the monthly instalments made in payment of the legacy of \$25 000 to Carmelle Paré as provided in the will and in payment of the universal legacy to Claire Lagueux, Thérèse Lagueux, Henri Lagueux and Marie Lagueux as provided in the will and amended by a codicil for which probate was granted on 1 October 1952.

Division of
legacy

2. If a request for the increase of the monthly instalments is made to the testamentary executors by only some of the universal legatees or if the increases requested are not for the same amount, the testamentary executors and trustees shall divide the universal legacy into four equal shares.

Joint admin-
istration of
shares

However, they shall administer jointly the shares of two or three universal legatees where the monthly instalments paid to each of them are equal.

Combining
of legacies

3. At the request of Henri Lagueux, the testamentary executors and trustees shall combine his share in the universal legacy with the legacy of \$15 000 devolving on him under the will as amended by the codicil.

Monthly
instalment

In that case, Henri Lagueux shall be entitled to a monthly instalment of not less than \$475 nor more than \$866 and his share in the universal legacy combined with his particular legacy shall be managed separately from the shares of the three other universal legatees.

Requests in
writing

4. Every request under this Act shall be made in writing and addressed to the testamentary executors and trustees.

Costs

5. The costs incurred for the passing of this Act shall be paid, proportionately out of the capital of the trust funds established out of the legacies referred to in section 1.

Coming into
force

6. This Act comes into force on 17 June 1988.