

1984, chapter 55

AN ACT RESPECTING THE HOMER MORTON JAQUAYS ESTATE

Bill 206

Introduced by Mr Pierre Paradis, Member for Brome-Missisquoi

Introduced 16 May 1984

Passage in principle 8 June 1984

Passage 8 June 1984

Assented to 12 June 1984

Coming into force: 12 June 1984

Act amended: None



CHAPTER 55

An Act respecting the Homer Morton Jaquays estate

[Assented to 12 June 1984]

Preamble

WHEREAS Homer Morton Jaquays, deceased on 9 January 1953, settled the disposition of his property at his death by a will in authentic form made on 22 May 1950 and registered at the registry office of the registration division of Sainte-Anne-des-Monts under number 12 564;

Whereas the will provides, in particular, for a legacy for an amount of \$20 000 to trustees, subject to laying out the amount to advantage and dividing it into equal shares between the grandchildren of the testator born before 1 September 1959, each grandchild receiving his share on reaching thirty years of age;

Whereas only two grandchildren of Homer Morton Jaquays were born before 1 September 1959: Homer Morton Jaquays III, born on 16 September 1939 and Charles Jaquays, born on 22 October 1956;

Whereas Homer Morton Jaquays III received his share of the fiduciary legacy on 16 September 1969;

Whereas Charles Jaquays is presently in a difficult financial situation and is desirous to receive his share of the fiduciary legacy immediately;

Whereas nowhere in the will is it explicitly provided for the eventuality of the legacy lapsing in respect of only one of the grandchildren and whereas the persons who would benefit from the lapsing of the legacy in respect of Charles Jaquays are the other grandchild of the testator, Homer Morton Jaquays III or the universal legatees, Homer Morton Jaquays and Katharine Jaquays;

Whereas the trustees are Homer Morton Jaquays Junior, Katharine Jaquays and the Royal Trust Company;

Whereas Homer Morton Jaquays Junior, Katharine Jaquays, Homer Morton Jaquays III and the Royal Trust Company have been notified of the presentation of this Act and are not opposed to its passing;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Payment of
legacy

1. Notwithstanding the fact that, by his authentic will made on 22 May 1950 and registered at the registry office of the registration division of Sainte-Anne-des-Monts under number 12 564, Homer Morton Jaquays provided that each of his grandchildren born before 1 September 1959 was to receive his share of the fiduciary legacy only on the day of his thirtieth birthday, Charles Jaquays, born on 22 October 1956, is entitled to receive his share of that legacy upon the coming into force of this Act, subject to section 2.

Life insur-
ance re-
quired

2. The trustees may, before paying Charles Jaquays his share of the legacy, require that a life insurance contract for an amount of \$30 000, instituting the Homer Morton Jaquays estate as the beneficiary thereof, be taken out by Charles Jaquays and that the premiums required to maintain the contract in force until 21 October 1986 be paid by him to the insurer.

Coming into
force

3. This Act comes into force on 12 June 1984.