



## CHAPTER 127

### An Act respecting the estate of Louis Jules Gaudry *dit* Bourbonnière

[Assented to, the 7th of March, 1934]

**W**HEREAS Louis Jules Bénoni Gaudry *dit* Bourbon- Preamble.  
nière, of the city and district of Montreal, accountant, in his quality of legatee in ownership subject to a suspensive clause until the death of his sister Malvina Gaudry *dit* Bourbonnière has, by petition, represented:

That, by will made and passed before J. E. O. Labadie, notary, on the 8th of May, 1884, the late Louis Jules Gaudry *dit* Bourbonnière made a legacy to his son, the said Louis Jules Bénoni *dit* Bourbonnière, amongst other things, of the immoveable hereinafter described:

A lot of land situated on Brock street, in St. James Ward, of the said city of Montreal, of irregular shape, known and designated under No. 41, on the official plan and book of reference of the said St. James Ward, containing forty-two feet in width, by eighty feet in depth, the whole English measure and more or less; bounded in front by Brock street; in rear by Germain Leblanc or his representatives; on one side, to the northwest, by John Barry, and, on the other side, to the southeast by Michel Riendeau, or his representatives; with a two-storey brick building and other dependencies thereon erected;

That the said legacy was made to Dame Emilie Lepellée *dit* Lahaye in usufruct, to return in full ownership to the said Louis Jules Bénoni Gaudry *dit* Bourbonnière, upon the following terms and conditions: to pay Malvina Gaudry *dit* Bourbonnière, his sister, an annual life rent of sixty pounds, Canadian currency, in monthly payments of twenty dollars or five pounds, said currency, each, and in advance, to commence by making the first payment on the

day of the death of his said wife, and to then continue from month to month during the lifetime of the said Malvina Gaudry *dit* Bourbonnière, until her death, at which period the said rent shall be extinguished and cease forever, and furthermore, subject to paying the doctors' fees and funeral expenses of the said Malvina Gaudry *dit* Bourbonnière;

That the said will stipulates, amongst other clauses, that in the event of a forced expropriation of the said Brock street property, or of a portion thereof, the price resulting from such expropriation shall be invested and used in the purchase of another property which will represent the expropriated ground, or invested in real estate property, with good interest-bearing hypothecary security;

That, amongst other clauses, the said will stipulates that the legatee shall not be entitled to hypothecate the immoveable given, and that its fruits, revenues and rents shall be unassignable and unseizable;

That the said Dame Emilie Lepellée *dit* Lahaye died in the parish of Saint Louis de France, in Montreal, on the 13th of March, 1921;

That, on the 23rd of November, 1899, Louis Jules Bénoni Gaudry *dit* Bourbonnière was appointed judicial counsel to his sister Malvina Gaudry *dit* Bourbonnière, in Montreal, and that on the 25th of June, 1903, Louis Jules Bénoni Gaudry *dit* Bourbonnière, personally and as judicial counsel to Miss Malvina Gaudry *dit* Bourbonnière, the said Malvina Gaudry *dit* Bourbonnière, and Dame Emilie Lepellée *dit* Lahaye, widow of Louis Jules Gaudry *dit* Bourbonnière, sold to the Canadian Pacific Railway Company, by deed passed before George R. W. Kittson, notary, the Brock street property, and that the said deed of sale was registered on the 9th of July, 1903, under No. 58219;

That, on the 29th of April, 1904, by deed passed before L. Bélanger, notary, Bénoni Gervais sold to Louis Jules Bénoni Gaudry *dit* Bourbonnière, personally and as judicial counsel to Miss Malvina Gaudry *dit* Bourbonnière, and Dame Emilie Lepellée *dit* Lahaye, widow of Louis Jules Gaudry *dit* Bourbonnière, the property bearing Nos. 2498 to 2520, inclusive, of Quesnel street, in the city and district of Montreal, being the lots numbers 833-834 and 837 on the official plan and book of reference of the municipality of the parish of Montreal, in the county of Hochelega, and that such property was purchased as a replacement for the sale of the Brock street property;

That the Quesnel street immoveable consists of old dwellings which have been and must now be kept in good repair, and, in order to do so, the petitioner, Louis Jules

Bénoni Gaudry *dit* Bourbonnière, has been forced to go into debt, and that there are other urgent and absolutely necessary works to be done in order to be able to lease the said dwellings;

That the above-described immoveable on Quesnel street, in the condition in which it was, and in which it is even now, and also by reason of the present economic depression, does not yield sufficient revenue to allow the legatee to pay the taxes on it for the years 1930, 1931, 1932 and 1933, and that they are still owing and exigible; and

Whereas the petitioner has prayed for the passing of an act to such effect and that it is expedient to grant the prayer contained in the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** Notwithstanding any clauses to the contrary contained in the legacy made by Louis Jules Gaudry *dit* Bourbonnière, by will passed before J. E. O. Labadie, notary, on the 8th of May, 1884, and registered in the registry office of the division of Montreal East, on the 14th of December, 1886, under No. 17432, the person charged with the life rent, Louis Jules Bénoni Gaudry *dit* Bourbonnière, is hereby authorized, with the approval of a judge of the Superior Court of the district of Montreal, by a petition to that effect, to borrow a sum of six thousand dollars, at a rate of interest not exceeding seven per cent, and to hypothecate the above-described immoveables, (Quesnel street), that is to say the lots 833-834 and 837 on the official plan and book of reference of the municipality of the parish of Montreal, in the county of Hochelaga, to guarantee the reimbursement of the said loan, the said hypothec conferring upon the creditors all rights thereto attached, notwithstanding any clauses of the said will.

Certain legatee authorized to borrow certain sum, etc.

**2.** The expenses incurred for the passing of this act shall be borne by the person charged with the life rent, and the said petitioner shall be entitled to immediately deduct, from the borrowed capital, the sums necessary to pay them.

Costs of act.

**3.** This act shall come into force on the day of its sanction.

Coming into force.

