



CHAPTER 164

An Act respecting the estate of Maurice Gougeon

[Assented to, the 20th of March, 1930]

WHEREAS Dame Régina Gougeon, wife separated as Preamble. to property of Joseph Olivier Trudel, and the latter to authorize his wife for the purposes hereof; Yvonne Trudel, spinster, of the age of majority, Georges Trudel, gentleman, all residing in the village of Ste. Rose, district of Montreal, and Dame Marie Alice Trudel, wife separated as to property of Joseph Napoléon Jasmin, real estate broker, and the latter to authorize his wife for the purposes hereof, residing in the city of Montreal, said district, and Charles Stanislas Tassé, notary, residing in the town of St. Laurent, district of Montreal, curator to the substitution created by a deed of gift, received before Mtres. Labadie and colleague, notaries, on the 19th of January, 1861, have, by their petition, represented:

That by deed of gift dated the 19th of January, 1861, received before Mtres. Labadie and colleague, notaries, Maurice Gougeon, in his lifetime, farmer, of Coteau St. Pierre, and Dame Julie Leduc, gave to the late Désiré Gougeon, and his wife, as institutes in the first degree, Dame Régina Gougeon and her sisters, as institutes in the second degree, and to their children as substitutes, a lot known as No. 175 on the official plan and book of reference of the municipality of the parish of Montreal;

Whereas, by deed made before E. R. Décary, notary, on the 5th of February, 1909, Dame Régina Gougeon and her sisters made a division of the said immovable;

Whereas, by the act 9 Edward VII, chapter 156, the said division of substituted property was declared final and definite;

Whereas, by the same above-mentioned deed, the said institutes of the late Maurice Gougeon, and particularly

Dame Régina Gougeon, were authorized to sell from time to time, by private sale, the lots which fell into their respective share, and to give good and valid acquittance to the purchaser, provided the curator to the substitution be a party, and agree to such sales, and that the moneys realized be paid and employed in accordance with the provisions of article 953*a* of the Civil Code;

Whereas Dame Régina Gougeon, by deed before Jos. A. Brunet, notary, on the 29th of June, 1909, sold to Ernest R. Décary, notary, thereof accepting, all the subdivision lots of the land No. 175, which fell to her by the deed of partition, and the sums so realized have been invested in real estate in this Province;

Whereas the real estate so acquired by the moneys realized from the sale of the substituted property consists of the following immoveables, namely:

<i>Street</i>	<i>Nos.</i>	<i>Cadastre and Nos.</i>
Agnes.....	838, 840, 842.....	P. 1268-1269
Oxford.....	2, 2 <i>a</i> , 4, 4 <i>a</i> , 6, 6 <i>a</i>	175-P. 75 est
Saint Antoine.....	3201 à 3211.....	384-164, 165
Belgrave.....	146, 148.....	170-370 <i>a</i>
Henry Julien.....	3652, 3654.....	902-29
Bellevue.....	8.....	46
Ste. Rose, P. Que.		

Whereas doubts have arisen respecting the regularity of the title by which the petitioner, Dame Régina Gougeon, is owner of the immoveable situated in the village of Ste. Rose, Province of Quebec, because the said sale was made to her by her husband, Joseph Olivier Trudel;

Whereas the transfer of the said property, although made as a sale, is rather a giving in payment, the vendor owing the petitioner a considerable amount, and the purchaser having consented to this contract as investment of part of the funds of the substitution;

Whereas, in order to pay certain debts due by the said Dame Régina Gougeon, personally and as institute in the substitution, the said personal debts, and the said debts of the substitution, arising from the cost of repairs or maintenance of the property so acquired, from loans made by the petitioner in order to live, or to renew certain previous loans, interest and principal due upon the purchase price, it has become necessary to borrow a sum not exceeding thirty thousand dollars, and to give a hypothec as security for the repayment of such sum upon the immoveables of the substitution;

Whereas doubts have arisen as to the right of the said Dame Régina Gougeon to hypothecate the immoveables held by her as institute;

Whereas some of the immoveables now belonging to the substitution have deteriorated and, through their situation in certain wards which have ceased to be residential, or which have ceased to be of advantage for trade, have lost their saleable value;

Whereas, in order to make the necessary repairs to the said immoveables, or to effect the alterations necessitated by the rapid changes taking place in the city of Montreal, which affect the saleable value of the immoveables, very considerable sums would have to be expended;

Whereas it would be to the interest of the other petitioners, Dame Yvonne Trudel, Georges Trudel and Marie Alice Trudel, wife of Jos. Napoléon Jasmin, who are the sole substitutes in the said substitution, to be authorized to effect the said loan not exceeding thirty thousand dollars, above mentioned, and to give hypothecary security for the repayment of the said sum upon the properties of the said substitution, in order to settle the present debts and to make the necessary repairs to the said immoveables, and it would also be to their interest to be authorized to sell or exchange the said immoveables;

Whereas it is in the interest of all the petitioners that the titles of Dame Régina Gougeon be ratified, as to the Ste. Rose property;

Whereas all the substitutes in the substitution are of age and have consented to this prayer, to wit: that Dame Régina Gougeon, the institute, be authorized to borrow a sum not exceeding thirty thousand dollars, and to give hypothecary security upon the substituted immoveables, and to sell and exchange the said immoveables;

Whereas the petitioners proved the allegations of their petition, and it is expedient to grant their prayer;

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 clause to the contrary contained in the deed of gift made by the late Maurice Gougeon, dated the 19th day of January, 1861, the institute, Dame Régina Gougeon, is hereby authorized, without any formality, order of a family council or of a court or judge, to borrow a sum not exceeding thirty thousand dollars, and to hypothecate the substituted properties, to guarantee the repayment of the said loan, and she is also authorized

Institute authorized to borrow a sum of money.

to sell or exchange the said immoveables, and to give good and valid acquittance, provided her husband and the known substitutes now existing, or, should such be the case, their legal representatives, at the time of the passing of such deeds, and the curator to the said substitution, be parties and agree to such loans, sales or exchanges, and that the moneys realized by the alienation or exchange of the substituted immoveables be paid and employed in accordance with the provisions of article 953*a* of the Civil Code.

Sale ratified. **2.** The sale by Joseph O. Trudel to Dame Régina Gougeon of the Ste. Rose property, bearing number 48 of the cadastre of the village of Ste. Rose, passed before G. Henry Séguin, notary, on the 22nd of March, 1928, under the number 5512 of the minutes of the said notary, is confirmed and declared valid as regards the powers the vendor and the purchaser had to effect the said sale, and in consequence it is declared valid.

Payment of costs. **3.** The expenses incurred in the passing of this act shall be charged to the said estate, and the institute, Dame Régina Gougeon, shall be entitled to immediately deduct from the capital belonging to the estate the necessary sums to pay the same.

Coming into force. **4.** This act shall come into force on the day of its sanction.