

C H A P . 114

An Act to authorize Joseph Coupal and others to sell certain substituted properties.

[Assented to 21st December, 1912]

WHEREAS Joseph Coupal, farmer, David Norbert Coupal, Preamble.
farmer and Jacques Maximilien Coupal, farmer, all three of the parish of Saint Jacques le Mineur, in the county of La-prairie, district of Montreal, and François Zéphirin Coupal, farmer of the parish of Ste Marguerite de Blairfindie, have by their petition represented :

That, by will made on the 12th March 1883, before Romuald Gagnon, notary, residing in the town of St. Johns, district of Iberville, and witnesses, and duly registered, Joseph Coupal, their father, in his lifetime farmer of the said parish of Saint Jacques le Mineur, bequeathed among other property, the following :

To the said Joseph Coupal, the undivided half of a lot of land situate in the said parish of Saint Jacques le Mineur known and designated on the official plan and book of reference of the same parish as the southern part of lot No. 121 of the said official plan and book of reference, the said land or said southern part of the said lot No. 121 containing three arpents in front by thirty arpents in depth more or less, and bounded in front, to the northwest by the Ruisseau des Noyers, in rear to the southeast by the lands of Sainte Marguerite de Blairfindie; on the southwest side by Jean Baptiste Derome, senior, and on the northeast side by the remainder of the said lot No. 121, with the undivided half of the house and other buildings thereon erected;

To François Zéphirin Coupal aforesaid, the undivided half of a lot of land situate in the parish of Sainte Marguerite de Blairfindie, in the district of Iberville, known and designated on the official plan and book of reference of the same parish, under the No. 344 and containing three arpents in front by thirty arpents in depth, more or less, bounded in front by the Little Montreal river, in rear by the lands of the Ruisseau des Noyers, on the south side by Jean Baptiste Dextrateur, and on the north side by Olivier L'Heureux or representatives, with the undivided half of the buildings erected on the said land;

To Norbert David Coupal aforesaid, three fourths of a lot of land situate in the same parish of Sainte Jacques, known and designated on the official plan and book of reference of the same parish under the No. 123, containing three arpents in front by thirty arpents in depth, more or less; bounded in front by the Ruisseau des Noyers, in rear by the lands of Sainte Marguerite de Blairfindie, on one side by the said Jean Baptiste Derome, and on the other side by Léon Bourgeois, without any

buildings at present, but with the undivided share of the testator in the buildings if any at his death;

To Wilfrid Domina Coupal aforesaid, a lot of land situate in the said parish of St. Jacques le Mineur, being the northern part of lot No. 121, containing three arpents in front by thirty arpents in depth, more or less; bounded in front by the Ruisseau des Noyers, in rear by the lands of Sainte Marguerite de Blairfindie; on one side by Joseph Derome and on the other side by the other part of the said lot No. 121, with the house and other buildings thereon erected; the said Wilfrid Domina Coupal to enjoy and dispose of the said land as special legatee thereof in full ownership from the date of his attaining his majority under the same prohibitions regarding alienating and hypothecating as the three sons of the testator firstly mentioned as to their respective immoveables, reserving the enjoyment thereof until then in favour of Dame Marie Euphrosine Provost, the wife of the testator, she to have the enjoyment of the said land and dependencies until the majority of the said Wilfrid Domina Coupal, and further reserving and obliging the said Wilfrid Domina Coupal, even after his attaining the age of majority, to leave the said wife of the testator the enjoyment and usufruct of one half of the building erected on the said land lastly described until her death, for herself and for the said daughters: Judith, Marie-Louise, Augustine and Marie Joséphine Coupal until they are respectively married;

That the said Dame Marie Euphrosine Provost is dead and the said Judith, Marie-Louise, Augustine and Marie Joséphine Coupal are married;

That the said lots of land were so bequeathed on the express condition that the said legatees should keep them to transmit them to their children with express prohibition to alienate them to anybody but their children;

That the same condition and the same prohibition apply to the children of the aforesaid petitioners until the children of the said Joseph, François Zéphirin, Jacques Maximilien and Norbert David Coupal have attained the age of thirty-five years;

That the said Joseph, François Zéphirin, Jacques Maximilien and Norbert David Coupal are still living and all have children living;

That by codicil made before Romuald Gagnon, notary, on the 26th March 1883 and duly registered in the registry office of the county of Laprairie under the No. 7450 of Register B, the said Joseph Coupal, senior gave to his son Wilfrid Domina Coupal the option of choosing between the amount required for a course of studies and taking the farm bequeathed to him by the aforesaid will;

That the said Wilfrid Domina Coupal made his choice and completed his studies and gave up the legacy of the aforesaid farm;

That by the said codicil, Joseph Coupal, senior, declared that in the event of his son Wilfrid Domina Coupal choosing a classical education, the aforesaid legacy should go to Jacques Maximilien Coupal, another of his aforesaid sons, the whole under the same conditions and prohibitions as regards alienating and hypothecating;

That in fact, the said children of Joseph Coupal, senior, have complied with the conditions of the will, have accepted the aforesaid legacies from their father and have been in possession of the said lots of land since the death of the said Joseph Coupal, on or about the 17th August 1883;

That Joseph Coupal is at present the father of ten living children;

That Norbert David Coupal is the father of five living children;

That Jacques Maximilien Coupal is the father of ten living children;

That François Zéphirin Coupal is the father of thirteen living children;

That the lots of land aforesaid cannot suffice for the subsistence of the said families;

That it is in the interest of the said Joseph Coupal and others, and also in the interest of their children that the said lots of land be sold by private sale at a suitable price;

And whereas the said petitioners have prayed for the passing of an act to authorize them to sell the said lots of land, by mutual agreement and private sale notwithstanding the conditions set forth in the said will and codicil, and whereas 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 provision to the contrary contained in the will of Joseph Coupal, senior, made before Romuald Gagnon, notary, in the town of St. Johns, district of Iberville, on the 12th March, 1883, the said Joseph Coupal, junior, Norbert David Coupal, Jacques Maximilien Coupal and François Zéphirin Coupal, after having obtained the consent of the family council duly homologated, may, each as regards his own property, alienate the immoveables given to them by the said will and codicil and give titles therefor, and receive the proceeds thereof and give good and valid acquisitions therefor to the purchasers, provided, however, that the said price be invested or deposited in accordance with the provisions of article 953a of the Civil Code, and the said purchaser shall be discharged from following the amount of the purchase price once for all, so soon as it has been invested by the said institute

Permission to alienate certain immoveable.)

in accordance with paragraphs 3 and 4 of the said article 953a or deposited with the prothonotary in accordance with paragraph 5 of the said article.

Coming into force.

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

CHAP. 115

An Act to confirm the titles to the immoveable known under No. 1060 of the official plan and book of reference of St. Antoine ward, in the city of Montreal.

[Assented to 21st December, 1912]

Preamble.

WHEREAS Louis Edgar Gauthier, merchant and manufacturer, of the city of Montreal has by his petition represented:

That on the 12th February, 1907, Mrs Josephine Phelan, wife of David Hébert, gentleman, specially authorized by the latter who was present, both of the city of Montreal, the said Mrs. Hébert acting both personally and in the capacity of sole institute in the substitution created by the will of the late Basile Plessis dit Bélair; Ludger Plessis dit Bélair in his capacity of curator to the said substitution and Joseph Louis Coutlée, testamentary executor of the author of the said substitution and administrator of the property dependent thereon, acting under judicial authority granted at Montreal on the 16th February 1906, sold to David Hébert, the immoveable hereinafter described:

“The immoveable known under number 1060 of the official plan and book of reference of St. Antoine ward of the said city of Montreal, containing according to the cadastre, forty-two feet and six inches in width by eighty feet six inches in depth, forming a superficies of three thousand four hundred and twenty one feet, English measure, but in reality containing, according to recent measurement, a superficies of three thousand four hundred and eighty-five feet, also English measure, say: the said width by average depth of eighty-two feet; bounded in front to the northeast by Victoria square, formerly Ste. Radegonde street, in rear to the southwest by Ste. Sophie lane, (a public lane), on the northwest side by official lot number 1059 of the said ward, the property of Leclair or representatives, and on the the southwest by official lot number 1061 of the same ward; with the buildings thereon erected and all rights of ownership in common, also a right of way of the said Ste. Sophie lane, but subject also to such passive servitudes as the neighbors on either