

CHAP. 156

An Act to declare the partition of the substituted property
of the late Maurice Gougeon *et uxor*, final and definitive

[Assented to 7th May, 1909]

Preamble.

WHEREAS Dame Mathilde Gougeon, separated as to property by judgment of the court from Théophile Prud'homme, gardener, residing in the town of Notre-Dame de Grâce, and by her said husband duly authorized for the purposes hereof ; Dame Julie Gougeon, wife separated as to property by marriage contract from Aldéric Beaulieu, farmer, residing in the parish of St. Laurent, by her said husband, duly authorized for the purposes hereof ; and Dame Régina Gougeon, wife separated as to property by marriage contract from Joseph O. Trudel, contractor and joiner, residing in the city of Montreal, and by her said husband duly authorized for the purposes hereof ; and Dame Marie Gougeon, wife separated as to property by marriage contract from Napoléon Jasmin, gardener, residing at Côte St. Luc, parish of Notre-Dame de Grâce, and by her said husband duly authorized for the purposes hereof ; the said Aldéric Beaulieu, acting both for the purpose of authorizing his wife aforesaid and in his capacity of curator duly appointed to Miss Zoé Gougeon, spinster, of the town of Notre-Dame de Grâce, duly appointed to the said office by act of curatorship, homologated by the prothonotary of the Superior Court for the district of Montreal, on the sixth of July, 1899 ; and Charles Stanislas Tassé, Esquire, notary, residing in the town of St. Laurent, curator to the said substitution, created by a deed of gift before Mr. Labadie, notary, on the nineteenth January, 1861, have by their petition, represented :

That by deed of gift, dated the nineteenth of January, 1861, before Mr. Labadie, notary, Maurice Gougeon, in his life-time, farmer of Côteau St. Pierre and Dame Julie Leduc, his wife, gave to the late Désiré Gougeon, farmer, and his wife as institutes in the first degree, to the parties above described as institutes of the second degree and to the children of the aforesaid as substitutes from the death of their mother aforesaid, a piece of land now known under the No. 175 of the official plan and book of reference for the municipality of the parish of Montreal ;

That the property of the said substitution consists of the said land, designated and known under number 175 of the official plan and book of reference of the parish of Montreal ;

That the said immoveable is situated in the town of Notre-Dame de Grâce ;

That owing to its situation, the extension and growth of the city of Montreal and its environs, the said immoveable is no longer suitable for cultivation as its value and taxes have become too heavy in proportion to its yield as a farm, and it has been divided into building lots to be so offered for sale and to derive greater profit therefrom. That it is to the advantage of the said succession to benefit at present by the flourishing condition of the real estate market and the great demand for property and building lots in that part of the island of Montreal ;

That at present the said immoveable brings in no revenue to the succession, which is burdened by the payment of heavy municipal, school and other taxes;

That the partition of the said immoveable between the institutes and the sale thereof in building lots will be of immense advantage both for the institutes and substitutes;

That under the circumstances the institutes in the said substitution have divided the said immoveable amongst themselves by deed before Mr. E. R. Decary, notary, on the fifth of February, 1909.

Whereas the petitioners have prayed for the passing of an act to declare the partition of the substituted property of the late Maurice Gougeon and his wife, final and definitive ;

Whereas the said petitioners have 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 by the late Maurice Gougeon, dated the nineteenth of January, 1861, the partition of the immoveable No. 175 of the parish of Montreal, belonging to the succession of the late Maurice Gougeon, made at Montreal, before Mr. E. R. Decary, notary, on the fifth of February, 1909, by and between the legatees who are institutes in the substitution under the said deed of gift, dated the nineteenth of January, 1861, before Mr. Labadie, notary, is declared to be and to have always been final and definitive, and consequently, the legatees who are institutes in the substitution of the late Maurice Gougeon are declared to be and to have always been the sole owners of the portion of the said immoveable No. 175 of the parish of Montreal, respectively allotted to them by the said deed of partition, subject to the condition of handing over such portion or the proceeds thereof to their children at their death, as stated in the said deed of gift dated the nineteenth of January, 1861.

Partition of
certain im-
moveable of
Gougeon
estate de-
clared final,
&c.

For this purpose the institutes in the estate of the late Institutes
authorized to

sell certain
lots by pri-
vate sale, &c.

Maurice Gougeon and the curator to the person of Zoé Gougeon are hereby authorized without formality, the authorization of the family council or order of the court or of a judge, to sell from time to time, and by degrees, one or more of the lots allotted to them in their respective shares and to give a good and valid acquittance to the purchaser, provided always that the curator to the said substitution be a party and consent to such sale, and that the amounts realized be paid and applied in accordance with the provisions of article 953a of the Civil Code.

Certain other
partition de-
clared final,
&c.

2. The partition between the institutes, of lot No. 3 by deed before Mr. E. R. Décary, on the eleventh of February, 1909, which lot was allotted to Dame Zoé Gougeon, by deed of partition dated the fifth of February, 1909, before Mr. E. R. Décary, is declared to have always been final and definitive and consequently the said institutes mentioned in the said deed of partition dated the eleventh of February, 1909, are declared to be and to have been the sole owners of the portion of lot No. 3, allotted to them by deed of partition dated the eleventh of February, 1909, and the said partition is hereby ratified and confirmed for all lawful purposes.

Expenses of
act how paid,
&c.

3. The expenses incurred in obtaining the passing of this act shall be paid by the said estate, and the institutes shall have the right to at once take the necessary funds to pay such expenses from the said estate.

Coming into
force.

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

CHAP. 157

An Act respecting the succession of the late Isaïe Hurtubise,
junior

[Assented to 7th May, 1909]

Preamble.

WHEREAS Antoine Hurtubise, both personally and in his capacity of curator to the substitution created by the will of Isaïe Hurtubise, Joseph Hurtubise, Flavien Hurtubise, Hector Hurtubise and Léopold Hurtubise, the usufructuary legatees of the late Isaïe Hurtubise, junior, have represented by their petition :

That by his solemn will before Messrs. J. A. O. Labadie and colleague, notaries, on the seventeenth of June, 1891, the late Isaïe Hurtubise, junior, appointed the petitioners, his sons, issue