



63 VICTORIA

CHAP. 110

An Act respecting certain immoveables substituted by the
late Maurice Gougeon and his wife

[Assented to 23rd March, 1900]

WHEREAS Miss Eulalie Prud'homme, in religion Sister Preamble.
Marie de Grâces ; Miss Philomène Prud'homme, in
religion Sister Marie Louise du Sacré Cœur, both of the
town of Lachine, members of the community of the Sisters
of Ste. Anne ; Henri Prud'homme, of Montreal ; Régis
Prud'homme, physician, of the parish of Ste. Rose ; Eustache
Prud'homme, gentleman, of Montreal ; Dame Julie Prud'-
homme, widow of the late Alphonse Deschamps, in his life-
time physician ; all children of the late honorable Eustache
Prud'homme, and of Dame Julie Gougeon, of the parish of
Notre Dame de Grâces, deceased ; Dame Marie Prud'homme,
wife of Antoine St. Germain, also daughter of the said
Eustache Prud'homme and Julie Gougeon, and Antoine
St. Germain, her husband ; Dame Eugénie Carrière, widow
of the late Alphonse Prud'homme, in his lifetime of Mont-
real and son of the late honorable Eustache Prud'homme
and Dame Julie Gougeon ; and Hormisdas Poirier, of
the parish of Notre Dame de Grâces, curator to the sub-
stitution created by the deed of donation of the late Maurice
Gougeon and his wife to Sieur Eustache Prud'homme *et*
uxor, and Sieur Désiré Gougeon, *et uxor*, dated the 19th
January, 1861, passed before Maître J. A. Labadie, notary,
at Montreal, have by petition represented that they are the
institutes under the terms of the deed above-cited and in

possession of certain immovable property whose fruits and revenues do not admit of their carrying out the intentions of the said donors creating the substitution ;

Whereas, by deed of donation creating substitution, made at Montreal the 19th January, 1861, before Maître J. A. Labadie and colleague, notaries, and duly registered, the said late Maurice Gougeon and his wife gave to the late Honorable Eustache Prud'homme and his wife, Dame Julie Gougeon, thereof accepting, three lots of land in the said deed of donation described and now known as numbers 152, 156 and 84 of the official plan and book of reference of the municipality of the parish of Montreal, district of Montreal ;

Whereas from the aforesaid same lots of land three strips of land have been expropriated and taken to form the road way of the following railroad companies, to wit: "The Atlantic and Northwest Railway Company" and "The Ontario and Quebec Railway Company," and the price of sale of these three strips of land has been employed to acquire, for and in the name of the substitution hereinafter indicated, a lot of land, being number 430 of the official plan and book of reference for St. Antoine ward of the city of Montreal ;

Whereas the said donation created a substitution by the donors of the property mentioned in the said deed in favour of the great-grandchildren of the donors, amongst whom the property thus given was to be divided, by roots, upon the death of their respective fathers and mothers, ;

Whereas it appears by the petition of the children of the said Sieur Eustache Prud'homme and Dame Julie Gougeon, deceased, who are institutes in the second degree, that the revenues of said substituted property are entirely insufficient to allow them to carry out the expressly stated intention of the donors to provide maintenance for the said institutes, and that the value of said properties is not at all in proportion to the revenues it is possible to derive from them in their present state ;

Whereas the substitution, created as aforesaid, is open in one branch, and several substitutes of the age of majority have already taken an action in licitation which will be disastrous for the said immovables and which has only been prevented by buying up the rights of the said substitutes by some of the institutes in order to save the said property ;

Whereas, at any time, other substitutes may again present themselves and demand anew a forced licitation of the said property ;

Whereas it is urgent that the said institutes be allowed to realize the said property according to the intentions of the said donors ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. After the sanction of this act the said institutes may : Powers granted to the institutes to appoint trustees, &c.

(a) By common agreement and mutual consent, by means of an authentic deed, appoint three trustees or provide for replacing them in case of resignation or death of any of them, who shall have the powers hereinafter indicated ; or

(b) In case of their not agreeing, petition the court following the formalities required for the appointment of a tutor, to appoint three trustees or their representatives in case of resignation or death ; and the latter thus appointed by mutual consent or by proceedings at law, shall be seized of the rights of the said institutes and of their children, of the rights of the substitutes who are minors to whose profit the said substitution is or shall be opened, of the rights of the substitutes unborn, and generally of the rights of every co-proprietor, who is a minor, an interdict or otherwise incapable, in the said immoveables, for their respective benefit, according to the instructions in the said deed of donation contained ; and the said trustees shall be subject to the provisions of article 5803 of the Revised Statutes of this Province, Property vested in trustees. Law to govern. respecting trusts.

2. The said trustees or those who replace them may, at any time, subdivide the said properties and cause roads and lanes to be opened through them ; sell all the above-mentioned properties, namely numbers 152, 156 and 84 of the official plan and book of reference of the municipality of the parish of Montreal, and the said lot No. 430 of the official plan and book of reference for St. Antoine ward of the city of Montreal, wholly or in part, and collect the price thereof, and this by private contract, provided that, in each case, they act with the approval of the curator to the substitution, together with the substitutes who are of age, to whose profit the substitution is open or with their representatives in their rights in the said immoveables and with the consent of all the institutes who may be alive or, in default of such consent, then, after having been authorized thereto by a judge of the Superior Court of the district of Montreal, upon petition of which notice shall have been given in the manner prescribed by the said judge. Power of trustees respecting property.

3. The said trustees shall generally have the same powers as those granted by the law respecting trusts as regards the investment of capital sums and as regards the several objects of the trust, and they may divide the investments of Investment of capital by trustees.

the capital sums for the benefit of each root represented by each of the said institutes.

Commission
allowed to
them.

4. During their administration the said trustees shall collectively be entitled to a commission of five per cent. upon the revenues which they shall collect.

Certain per-
sons declared
owners of
certain
shares.

5. The said institutes in the second degree, children of the said *Sieur Eustache Prud'homme* and his wife, *Dame Julie Gougeon*, who shall leave no legitimate children at their death to inherit their share of the said properties, are hereby declared owners of their respective shares by the extinction of the said substitution in their root, according to the provisions of the said donation.

Coming into
force.

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

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Most Excellent Majesty.