



CHAPTER 167

An Act respecting the estates of Thomas O'Reilly and Mary Gillies

[Assented to, the 4th of April, 1930]

WHEREAS Thomas O'Reilly and Dame Mary Gillies Preamble. were married at Montreal, in the Province of Quebec, on the 19th day of June, 1888, in community of property;

Whereas the said Thomas O'Reilly died on the 8th day of April, 1920, leaving his last will and testament, dated Montreal, 6th of March, 1915, passed before William B. S. Reddy and colleague, notaries, in which he named heirs and legatees to his estate, which comprised half the community of property existing between testator and his said wife, Dame Mary Gillies; the said will also providing that his said wife should enjoy the revenue of his share of the community so long as she lived, and the said testator appointed Dame Rose Clare O'Reilly, wife of James Kavanagh, of Montreal, superintendent, and Francis M. O'Reilly, of Montreal, machinist, his brother, sole testamentary executors for the duration of the period provided by law, or the survivor of them, with full powers;

Whereas the said Dame Mary Gillies was interdicted for cause of insanity, on the 6th day of May, 1920, and her brother-in-law, the said Francis M. O'Reilly was appointed her curator, and she remained insane to the day of her death and died intestate, never having made a will;

Whereas every effort has been made to find out who are the legal heirs and representatives of the late Dame Mary Gillies, but owing to the fact that they are very numerous and far scattered the information obtained is far from complete, and there does not appear to be the slightest possibility of locating and identifying all the said heirs;

Whereas the testamentary executors of the late Thomas O'Reilly and the curator to the estate of the late Dame Mary Gillies continue to be charged with the administration of the respective estates owing to the fact that they are unable to render their accounting by reason of the impossibility experienced in ascertaining the identity of and locating the heirs and legal representatives of the said late Dame Mary Gillies;

Whereas there is no one to whom the said executors and the said curator, respectively, can render an accounting, or from whom they can obtain discharge;

Whereas it is, in the circumstances, impossible to finally wind up either the estate of the late Thomas O'Reilly or that of the late Dame Mary Gillies;

Whereas, in the meantime, the heirs and legal representatives of the late Thomas O'Reilly, although definitely designated by the will of the said testator, are prevented from receiving their legacies under the terms of the said will by reason of the fact that the estate of the said Thomas O'Reilly involves the community of property existing between him and his said late wife;

Whereas the said heirs of the late Thomas O'Reilly are in poor financial circumstances and it is in the interest of justice and everybody concerned that everything possible should be done to enable them to receive their respective shares in the estate of the late Thomas O'Reilly, under the terms of his said last will and testament;

Whereas it is expedient and necessary for the winding-up of the said estates that some one be appointed to sell, transfer or otherwise realize upon the assets of the said estates and receive an accounting from the said testamentary executors and from the curator of the said late Dame Mary Gillies, and grant to them full, final and complete discharge, and to liquidate and distribute the assets thereof to those legally entitled thereto, and finally wind up the said estates;

Whereas the present application is made in the interests of all the heirs of the said late Thomas O'Reilly and the said Dame Mary Gillies, and by them all, insofar as possible;

Whereas the petitioners have prayed for an act to appoint and authorize John F. Reddy for the purposes hereinabove mentioned, and it is expedient to grant their prayer to that effect, 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. John F. Reddy, notary public, of the city of Montreal, is hereby appointed to represent the heirs and legal representatives of the late Thomas O'Reilly and of the late Dame Mary Gillies, and the heirs of the community existing between the said late Thomas O'Reilly and the said late Dame Mary Gillies, respectively, for the purpose of realizing upon and distributing the assets of the said estates, amongst those legally entitled thereto, and finally winding up and closing out the said estates. Representative appointed.

2. The executors under the will of the said late Thomas O'Reilly and the curator to the late Dame Mary Gillies, respectively, are hereby authorized to render an account of their administration of the respective estates, hereinabove referred to, to the said John F. Reddy, who is hereby authorized to debate, to discuss and to receive the same and to grant unto the said executors and the curator, respectively, a full, final and complete discharge on behalf of the heirs and legal representatives of the said late Thomas O'Reilly and the said late Dame Mary Gillies, respectively, in respect of their said administration. Accounting by executors, etc.

3. The said John F. Reddy is hereby authorized to sell, by private or public sale, for such price and upon such terms and conditions as he may deem advisable, any and all immoveable properties and real estate, included in the said estates, or either of them, and to sign and execute such deeds of sale as may be necessary or desirable to give effect to the foregoing and to grant unto such purchaser or purchasers of such property or properties a clear and absolute title thereto. Authorization to sell.

4. The said John F. Reddy is hereby authorized to liquidate all the assets of the said estates, converting them into cash and to this end he is authorized and empowered to sell at the current market prices such securities, moveable effects, and properties generally as may be comprised in the said estate or estates; the said John F. Reddy being hereby authorized and empowered to receive in his representative quality any and all money or monies due to the said estates, or either of them, and to grant, in respect of such payments, full, final, and complete discharge and deliver all such deeds of sale, exchange, division, transfer, subrogation, release, main-levée, acquittance and discharge as may be needful and expedient in the administration, winding-up, and settlement of the said estates, or either of them. Liquidation of assets authorized.

Payment of
costs, etc.

5. After the liquidation of the assets of the said estates, the said J. F. Reddy is hereby authorized to pay out of the proceeds all the costs and expenses—including law and notarial and other expenses incidental or pertaining to the winding-up of the said estates—after which the entire residue of the said estates shall be divided into two equal parts; one of which shall be distributed by the said J. F. Reddy amongst the heirs and representatives of the late Thomas O'Reilly, according to his last will and testament hereinabove referred to. The said J. F. Reddy shall then deposit the remaining part with the Montreal Trust Company to be paid out to the legal heirs and representatives of the said late Dame Mary Gillies, upon presentation of proper proof of their heirship and ownership according to law, by judgment of the Superior Court, for the district of Montreal, upon petition for such purpose.

Representative
replaced.

6. In the event of the death or incapacity of the said J. F. Reddy, or should he desire to resign, prior to the accomplishment of the complete winding-up and settlement of the said estates, he shall be replaced by the Montreal Trust Company, which shall continue in his stead the administration and winding-up of the said estates, with like powers, authority and obligations to those hereinabove vested in the said J. F. Reddy.

Delay to
complete
liquidation.

7. The complete liquidation in conformity with the terms of section 5 shall be concluded within the six months after the sanction of this act, unless the delay for doing so be extended by a judge of the Superior Court for the district of Montreal, for reasons deemed sufficient.

Coming into
force.

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