



CHAPTER 138

An Act respecting the estate of Dame Mary O'Neill, widow of Thomas Gallery

[Assented to, the 1st of April, 1927]

WHEREAS John Gallery, baker, of the city and district Preamble.
of Montreal, has, by his petition, represented:

That on the 12th of September, 1893, before Mtre. A. C. Décary, notary, Dame Mary O'Neill of the city of Montreal, widow of Thomas Gallery in his lifetime of the same place, laborer, made her last will by which she gave to Catherine, James, John and Michael Gallery, four of her children issue of her marriage with the said Thomas Gallery, all her moveable and immoveable property, appointing them her universal legatees in ownership, subject to the condition that none of her legatees could alienate his or her share of such legacy to other than his or her co-legatees while any of them survive;

That the said Dame Mary O'Neill died on the 28th of June, 1901, without revoking said will;

That on the 7th of January, 1910, James Gallery, one of the legatees, made his will before Mtre C. A. Lavimodière, notary, by which he bequeathed all the property which came to him from the estate of the late Dame Mary O'Neill to his sister, Catherine Gallery, above mentioned;

That the said James Gallery died on the 25th day of January, 1910, without revoking said will;

That, on the 19th of March, 1910, by deed before Mtre. C. A. Lavimodière, notary, an arrangement was entered into between the petitioner and Catherine Gallery by which the latter transferred to the petitioner all her rights and claims in the estate of the above-mentioned James Gallery and also in the property which had been left to him by his mother Mary O'Neill, under the above-cited will;

That, afterwards on the 13th of November, 1926, an-

other arrangement was entered into before Mtre. C. A. Lavimodière, notary, between the petitioner and Michael Gallery and Catherine Gallery, his brother and sister, whereby his said brother and sister transferred to him all their rights and claims in the estate of their mother, Dame Mary O'Neill, above-mentioned;

That among the properties bequeathed was the following immoveable property, namely: Lot No. 1330 of the cadastre for St. Ann's ward of the parish of Montreal, and the southeast part next to it of lot No. 1342 of the cadastre of St. Ann's ward of the parish of Montreal, containing twenty-eight feet in width in rear of lot No. 1330 of the said cadastre by ninety feet in depth, more or less, along the rear line of lot No. 1342, and on the other side the said part lot is bounded to the southwest and northeast by the said lot No. 1330, and to the southeast by lot No. 1331 on the said plan of the said cadastre for St. Ann's ward of the parish of Montreal;

That the petitioner has expended a sum of forty thousand dollars upon improvements to the said property, which brings its total value up to fifty thousand dollars;

That the petitioner and his brothers and sister are of advanced age and that he is the only one who is married;

That the petitioner has assumed certain obligations which are due and which he is unable to meet except by a loan which he would be able to contract only by hypothecating, to the extent of the sum of fifteen thousand dollars, the above-mentioned property;

That doubts have arisen as to the interpretation of the prohibition to alienate contained in the will of the said Dame Mary O'Neill and as to the validity of the various deeds of transfer of the rights in the said estate to the petitioner;

That, therefore, the petitioner could not bind the said immoveable property nor contract the above-mentioned loan and is exposed to suffer irreparable damage therefrom;

Whereas it is expedient under the circumstances to allow the petitioner to hypothecate the said immoveable property for the sum above mentioned;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Authoriza-
tion to bind
and hypo-
thecate cer-
tain prop-
erty.

1. Notwithstanding any provisions to the contrary that may be contained in the will of Mary O'Neill, made before A. C. Decary, notary, on the 12th of September, 1893, John Gallery, the present owner of the following immove-

able property, namely: Lot No. 1330 of the cadastre for St. Ann's ward of the parish of Montreal, and the southeast part next to it of lot No. 1342 of the cadastre of St. Ann's ward of the parish of Montreal, containing twenty-eight feet in width in rear of lot No. 1330 of the said cadastre by ninety feet in depth, more or less, along the rear line of lot No. 1342, and on the other side the said part lot is bounded to the southwest and northeast by the said lot No. 1330, and to the southeast by lot No. 1331 on the said plan of the said cadastre for St. Ann's ward of the parish of Montreal, may bind and hypothecate the said immoveable property to the extent of fifteen thousand dollars, with interest at the rate of six per cent.

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