

CAP. CXVI.

An Act to limit the application of a certain general hypothec created by Daniel McCallum and his wife to a certain lot of land.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Daniel McCallum, Esquire, Advocate, of the City of Quebec, and Ann Helen Williamson Brown, his wife, have, by their petition, represented that on the fourth day of February, one thousand eight hundred and thirty, by deed executed before Panet and another, Notaries, they bought from the late Honorable Joseph Remy Vallières de St. Réal, a certain property, situate in the Upper Town of Quebec; that subsequently, John Brown, Esquire, father of the said Mrs. McCallum, paid one thousand and sixteen pounds fifteen shillings currency, on account of the price of the said purchase, and that, on making the said payment, the said John Brown did, by a deed executed at Quebec, before Scott and another, Notaries, on the nineteenth day of July in the said year, acquire subrogation to the rights of the said vendor, and did declare that he gave the interest on the said sum to the said Daniel McCallum and his said wife, and to the survivor of them, and the right to the said sum itself to their children, the same to be equally divided among them, the said children, after the extinction of the said usufruct, and further that if one or more of the said children should die before their said father and mother, but leaving legitimate children, then that such children should have the share that the father or mother of such children would have had if he or she had survived his or her father and mother; and whereas the said Daniel McCallum and his said wife did accept the said donation, and it has been duly registered, whereby all the property which the said donees then had, or have since acquired, or may hereafter acquire, became hypothecated to the amount of the said sum of one thousand and sixteen pounds fifteen shillings currency;

And whereas the said Daniel McCallum and his said wife did, by deed executed at Quebec on the seventh day of April, in the year one thousand eight hundred and fifty-eight, before Huot and another, Notaries, sell to Marie Louise Adélaïde Pacaud, wife of Joseph G. Barthe, Esquire, Advocate, the following described property, that is to say, "a lot of land situate in D'Auteuil street, in the City of Quebec, containing thirty-seven feet in front by eighty-six feet in depth, English measure, bounded in front by D'Auteuil street aforesaid, in rear by the end of the said depth, on the south side by the said Daniel McCallum, and on the north side by Mrs. Aylwin;" and whereas the said property is bound, in common with all the properties which have belonged to the said Daniel McCallum and his said wife, by the said hypothec for one thousand