

and after such partition to sell and dispose of and convey that portion of the same that may be designated as the share of the said Thomas Benson, or of the said petitioners, as his representatives; And whereas the said Nesbit Kirchhoffer, Thomas Curtis Clarke, John Smart, James Smith, John Shuter Smith, and Thomas Rodman Merritt, have by their petition set forth the same facts, and prayed that the prayer of the petition of the widow and children of the said late Thomas Benson in this behalf may be granted, and that an Act may be passed to transfer the estate and interest held by the said Thomas Benson in the said respective lands to, and to vest the same in the said James Rae Benson and Thomas Rodman Merritt as Trustees as aforesaid, and it is expedient to grant the prayers of the said several petitions as hereinafter mentioned; Therefore Her Majesty, &c., enacts as follows:

Estate of
Thomas Benson
in certain
lands, vested
in Trustees.

I. All the estate, right, title, interest, property, claim and demand whatsoever of the children of the said late Thomas Benson, who are at the time of the passing of this Act under the age of twenty-one years, in or to the lands following, that is to say, the south east quarter and the north half of lot number four, and the north half and a part of the south half of lot number five, in the fourth concession of the Township of Emily, in the County of Victoria, held by the said late Thomas Benson in his lifetime as tenant in common with the said Nesbit Kirchhoffer, Thomas Curtis Clarke, John Smart, James Smith, and John Shuter Smith, and in or to a part of Town plot number sixty-six in the said Town of Port Hope, held by the said late Thomas Benson in his lifetime as tenant in common with the said John Smart and Thomas Rodman Merritt, is hereby transferred to and vested in the said James Rae Benson, and Thomas Rodman Merritt, both of the Town of Saint Catharines, Esquires, and the survivor of them and their successors, to be appointed as hereinafter mentioned, as Trustees for the benefit of the children of the said late Thomas Benson, who at the time of the passing of this Act are under age as aforesaid, with power to join in any sales or conveyances of the same lands that may be made by the other tenants in common thereof, and also to join with the other co-heirs of the said late Thomas Benson, who at the time of the passing of this Act are of full age, in making partition of the same lands, and after such partition to join as aforesaid in selling and disposing of and conveying that portion of the same that may be designated as the share of the said late Thomas Benson or his representatives, and to hold the proceeds arising and accruing to them the said James Rae Benson and Thomas Rodman Merritt as such Trustees as aforesaid from such sales as aforesaid, for the benefit of the children of the said late Thomas Benson, who are at the time of the passing of this Act under the age of twenty-one years as aforesaid, according to their several and respective shares in his inheritance.

Powers of the
Trustees.

Sales by Trustees
declared
valid.

II. Any sale or conveyance of the said lands or any of them or of any part thereof duly made and executed by the said Trustees in conjunction with the other co-heirs of the said late Thomas Benson and the other tenants in common thereof respectively, or in conjunction with the said heirs only, in case of such partition being had as aforesaid, shall be as good, valid and effectual, to all intents and purposes whatever, as if the said late Thomas Benson were living and had joined in so making and executing the same as aforesaid instead of the said Trustees and co-heirs; and the *bona fide* payment to the said Trustees, either alone or in conjunction with others as aforesaid, of the price or purchase money or of any