

An Act for the Relief of the Representatives of the late
Thomas Ewart.

- W**HIHEREAS, Catharine Seaton Ewart, of the City of Toronto, widow of the late Thomas Ewart, of the same place, Esquire, hath presented her Petition to the Legislature of this Province, setting forth, amongst other things—that by the Will of the late John Ewart, of the City of Toronto, Esquire, he devised one-fifth of his residuary Estate to the family of his deceased son, the said Thomas Ewart, and directed that the said Catharine Ewart should have the benefit of the annual produce of the said fifth for her life, or so long as she remained the widow of the said Thomas, for her own use, subject only to the maintenance and education of their children, who are minors of tender years; that the said residuary Estate comprises, amongst other property, some very valuable vacant Lots in the City of Toronto and elsewhere; that a partition of a portion of the said residuary Estate having been made amongst the devisees, that part of the said Estate which, on such partition, fell to the lot of the said family, comprises, amongst other property, certain portions of the said unoccupied land in the City of Toronto, of great value, but yielding little or no income, and which cannot be made do so to any extent commensurate with the value of the property, without expending a large amount of money thereon, or giving building leases or other long leases thereof; that the said Will gives ample powers to the Trustees, with the concurrence of the said Catharine, during her life, and of the legal guardian of the said children after her death, to lease for any period or periods, or to make sale of any part of the said Estate before partition, and to resell and lease Real Estate which after partition might be purchased by way of investments of any part of the share of the said family, but it is considered that such powers do not extend to leases or sales of the devised property after partition; that the omission of such powers was (as the said Petitioner submitted) manifestly an oversight and error, and that it would be for the interest of the family to allow leases and sales to be made in such cases as well as others; and the said Catharine Seaton Ewart having prayed for relief in the premises, it is just and expedient to grant the same: Therefore, Her Majesty, &c., enacts as follows:
- I. The said Trustees for the time being, with the concurrence of the said widow, or, after her death, of the legal guardian or guardians of the minor children, shall have the same power to make sale of and to lease any property which, on the said partition, has fallen to, or which on any future partitions may fall to the said family of the said Thomas Ewart, in the same manner and to the same extent, and subject to the same powers and conditions as like sales and leases might have been made before partition under the said Will, and the monies payable on such sales and leases shall be disposed of in the same manner, and subject to the same powers, trusts and conditions, as the share of the

Preamble.

Will of John Ewart, recited.

The trustees, with the consent of the widow, invested with certain powers of sale.