

An Act to vest certain real estate of the late Thomas Benson in the hands of Trustees.

**W**HEREAS the widow and children of the late Thomas Benson, in his Preamble.  
lifetime of the Town of Port Hope in the County of Durham in  
this Province, deceased, have by their petition represented, that the said  
Thomas Benson was killed in the accident that occurred at the Desjardins  
5 Canal Bridge on the Great Western Railway, on the twelfth day of March  
now last past, that the said Thomas Benson departed this life intestate; that  
at the time of his decease the said Thomas Benson was seized in fee of an  
undivided fifth part of 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  
10 part of the south half of lot number five, in the fourth concession of the  
Township of Emily, in the County of Victoria, as tenant in common with  
Nesbit Kirchhoffer, Thomas Curtis Clarke, John Smart, James Smith, and  
John Shuter Smith, all of Port Hope aforesaid, Esquires, and also of an un-  
divided third part of a part of Town plot number sixty-six in the Town of  
15 Port Hope aforesaid, as tenant in common with Thomas Rodman Merritt, of  
the Town of Saint Catharines, Esquire, and the said John Smart; that the  
said respective lands were purchased and acquired by the said Thomas  
Benson and the respective parties above named with the view and intention  
of laying the same out into lots, and selling the same; and that in pursu-  
20 ance of such intention a plan had been made and printed of the lands  
firstly above mentioned, preparatory to a sale thereof or of a portion of  
the same, by auction; and not only had a similar plan been made of the  
property secondly above mentioned, but a sale by auction of a portion of  
the lots into which the same had been subdivided had actually taken place;  
25 And whereas the said Petitioners have further represented that their inter-  
ests and those of the other parties jointly interested in the said lands would  
be best promoted by executing and carrying out the said intended sales,  
but that in consequence of the death of the said Thomas Benson intestate,  
and the minority of four of his children and their consequent legal inca-  
30 pacity to execute conveyances, such disposition of the said property cannot  
at present be legally or advantageously made, and have prayed that an Act  
may be passed to transfer the estate and interest of the said late Thomas  
Benson, (or of the said petitioners, his children, as his heirs in the said res-  
pective lands as tenants in common as aforesaid) to, and to vest the same in  
35 James Rae Benson of the said Town of Saint Catharines, Esquire, and the  
said Thomas Rodman Merritt, as Trustees to hold the same for the purposes  
and objects above mentioned, for the benefit of the said petitioners the  
children of the said late Thomas Benson, with power to join in any sales  
or conveyances of the same lands that may be made, and to hold the pro-  
40 ceeds arising from the same for the benefit of the said petitioners, the  
children of the said Thomas Benson, according to their several and respec-  
tive interests in the same, and also to make partition of the same lands