

And the petitioners submit that it was an oversight and error, and is a hardship, and ruinous to the estate to be compelled to hold unproductive property which annually diminishes the income of those whom it was the testator's intention to benefit; and that it would be for the interests of the family to sell the lands and hold the purchase money subject to the trusts imposed by the testator in respect of the said lands, and they pray for authority so to do. 5

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Trustees invested with powers to sell lands in Canada belonging to the estate. 1. Robert Johnston and James Johnston, the trustees aforesaid, or the trustees for the time being, under the will and codicils of the said late Lieutenant-General Sir William Johnston, K. C. B., deceased, shall have power to sell and dispose of the lands owned by the estate of the said General Johnston, in Canada, either by public sale or by private contract, either in parcels or together, and either for cash or upon security by mortgage, or in such manner as to the trustees, for the time being, shall seem best, with or without any special or other stipulations as to title or evidence or commencement of title or otherwise, and shall have power to buy in, rescind, or vary any contract for sale, and resell without being answerable for loss occasioned thereby. 10 15 20

And after payment of expenses, stand possessed of residue of purchase moneys, subject to trusts in will. 2. The trustees for the time being shall, for the purposes of this Act, have power to execute and do all such assurances, assignments, deeds, acts, and things as they shall think fit; and shall, by and out of the moneys arising from such sale or sales, pay, and reimburse themselves for any expenses incurred in or about the execution of any of the trusts or powers now granted them, or granted them under the provisions of the said will and codicils thereto, and pay the expenses incurred in or about the obtaining of this Act, and shall stand possessed of the residue of the same moneys, upon such trusts, and with, and subject to such powers as are declared by the said will and codicils in respect of the said lands in Canada, thereby devised, and shall have power to invest said moneys in such manner as to the trustees for the time being shall seem best for the benefit and advantage of the parties beneficially entitled under the said will to the lands aforesaid. 25 30 35 40

Purchaser not bound to see to application of purchase money. 3. No purchaser or purchasers shall be bound to enquire, or to see to the application of the said purchase moneys, or be responsible for their misapplication, and the receipts of the said trustees, for the time being, or of their agent or attorney duly authorized in that behalf, shall wholly absolve any purchaser or purchasers from the responsibility in respect of the application or misapplication of the same. 35 40

Public Act. 4. This Act shall be deemed a public Act.