

Terms and conditions of the trust.

Proviso : accountability of Trustees.

Kingston, Esquire, and their successors to be appointed as hereinbefore mentioned in the like estate as the same were had and held by the said Alexander Macdonell, in his lifetime ; upon trust, nevertheless, to hold, sell, dispose of absolutely and convey the same, from time to time, and together or in parcels, and either by private sale or at public auction, as the said Isabella Penelope Macdonell, and Donald Æneas Macdonell, or the trustees for the time being may think fit, and to take the proceeds of such sale and sales, and to pay, expend, dispose of and invest the same, and the annual income thereof, to and for the uses, intents and purposes, and upon the trusts, expressed in the said Will of the said Alexander Macdonell ; Provided always, that the said Isabella Penelope Macdonell and Donald Æneas Macdonell, and all trustees under this Act shall, notwithstanding this Act, be held answerable and accountable in Her Majesty's Courts of Law and Equity in that part of the Province of Canada, heretofore called Upper Canada, for the management of the said Estate, real and personal, and for the due application of the moneys arising therefrom, in like manner as other trustees, agents or executors are or shall be held answerable or accountable.

Judge of County Court may appoint a Trustee in case of vacancy in the office by death, &c.

2. In case of the death of any or either of the said Trustees hereby appointed before the final execution of the powers and trusts above mentioned or of his or her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Judge of the County Court then being or having jurisdiction within the County of Glengarry, on the application of any person interested in the said estate or of the surviving Trustee, one or more of the children or creditors of the said late Alexander Macdonell, to nominate and appoint some fit and proper person to act in the place of each such trustee or trustees so dying or becoming incapable as aforesaid, as Trustee of the estate of the said late Alexander Macdonell under this Act with the survivor or survivors, and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed when and so often as occasion may require.

Trustees, and not purchaser from them, to be answerable to devisees and legatees under the will.

3. The said Isabella Penelope Macdonell and Donald Æneas Macdonell and their successors, and not the purchaser or purchasers from them or any of them under this Act, shall remain answerable to the devisees and legatees in the said Will mentioned for the moneys and proceeds of the said Estate, to be sold under and by virtue of this Act, according to the true intent and meaning of the said Will.

Public Act.

4. This Act shall be deemed a Public Act.