

An Act to enable the surviving Trustees under the Will of the late Lieutenant-General Sir William Johnston, K.C.B., deceased, to sell certain lands in Canada belonging to the estate of said General Johnston.

- WHEREAS** Robert Johnston, of Laputa, in the County of Donegal, in Ireland, Esquire, and James Johnston, a Lieutenant-Colonel in Her Majesty's Eighth (The King's) Regiment of Foot, at present stationed at Gibraltar, Devises and Trustees named in the last will and testament and codicil thereto, of Lieutenant-General Sir William Johnston, Knight Commander of the Bath, late of the Town of Southampton, England, deceased, and Jane Johnston, of the same place, spinster, only surviving daughter of said Lieutenant-General Johnston, have presented their petition to the Legislature of the Province of Canada, setting forth, amongst other things, that, by the will and codicils of the said late General Johnston, he devised certain lands situate in the County of Lincoln and the County of Middlesex, in Canada, unto the said petitioner, Robert Johnston and James Johnston and Lady Johnston (since deceased), upon trust for his son, the said James Johnston, for life, and after his decease, in case he should leave lawful issue of his body living at his decease, upon trust for his child or children then living, and the issue *per stirpes* of any deceased child, as tenants in common, and the heirs and assigns of said children, as in said will is particularly set forth; but in case the said James Johnston should die without leaving lawful issue living at his decease, then upon trust for the testator's six daughters therein named, and their respective heirs and assigns in equal shares as tenants in common, and in case of the death of any of his said daughters under age and without issue, that the shares original or accruing of them or her so dying, should be in trust for the others of his said daughters, their or her heirs and assigns for ever, as tenants in common, as in the said will is particularly set forth;
- And that Lady Johnston, widow of the testator, died without having married again, and that all the other children aforesaid of the said General Johnston, except the petitioners, James Johnston and Jane Johnston, have died, unmarried and without issue;
- That the petitioner, James Johnston, is unmarried and without issue, and that the petitioners, James and Jane Johnston, are the only persons in existence beneficially interested in said lands in Canada;
- And that the said lands, being of great value, but almost entirely wild and unproductive, entail serious loss to the estate of the said General Johnston, by reason of the payment of large sums of money for taxes, employment of agents, care takers and solicitors, and their travelling expenses, and that the petitioners are unable to reside in Canada;
- And that depredations are constantly committed upon said lands, which are in many cases wholly denuded of timber, and that, owing to inattention of agents, a large portion of said lands have been sold for taxes; And that from the scarcity of material for fencing and building, it would be too expensive for the interests of the estate to lease the said lands so as to produce a commensurate income;

Preamble.

Will of Lieut. General Sir W. Johnston, in reference to Canada lands recited.

Death of widow and surviving children, except petitioners, &c., &c., &c.