



No. 130.

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3rd Session, 5th Parliament, 20 Victoria, 1857.

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(PRIVATE BILL.)

BILL.

An Act to appoint Trustees to the estate of the late Charles Bowman, with certain powers for the management of the said estate.

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Received and read, first time, Wednesday, 18th March, 1857.

Second reading, Thursday, 19th March, 1857.

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MR. WILSON.

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TORONTO :

**An Act to appoint Trustees to the estate of the late Charles Bowman.**

**W**HEREAS Robert Taylor Raynes, Captain in the Twenty-third Royal Preamble.  
Welsh Fusileers, and Elizabeth Raynes his wife, daughter of the  
late Charles Bowman formerly of the City of Montreal, merchant, de-  
ceased, and Henry Starnes of the City of Montreal, Esquire, and the  
5 Honorable John Simpson of Bowmanville in the County of Durham,  
guardians of Victoria Sophia Bowman, also a daughter of the said  
Charles Bowman, an infant under the age of twenty-one years, have  
presented their petition stating amongst other things that the said Charles  
Bowman departed this life on or about the fifteenth day of January in  
10 the Year of Our Lord one thousand eight hundred and forty-eight, seized  
in fee of considerable real estate lying within the Upper Canada,  
and having first made and published his last Will and Testament execu-  
ted according to law so as to pass Real estate by devise within Upper  
Canada, and which said last Will and Testament bears date on the  
15 twenty-seventh day of September, in the year of our Lord one thousand  
eight hundred and forty-seven, by which will the said Charles Bowman  
limited the real estate aforesaid to certain of his children therein named  
without any power to sell or alienate the same; That the said Charles  
Bowman had during his lifetime sold certain lands in Upper Canada to  
20 different persons but had made no sufficient conveyances thereof and had  
given no one power by his said Will to make such conveyances: That  
a large tract of land so devised by the Will of the said Charles Bowman  
lies in the Village of Bowmanville and it is essential for the wants of the  
Village and it would be beneficial to the devisees of the same, if power  
25 were given to some trustworthy persons to sell and convey a portion there-  
of and invest the proceeds of such sales for the benefit of those entitled  
to take under the said Will; and that some lands in Upper Canada, without  
Village of Bowmanville, should be sold for the benefit of the said  
devisees: And whereas it is expedient to grant the prayer of the said  
30 petitioners: Therefore Her Majesty &c., enacts as follows:

I. The said Henry Starnes of the City of Montreal, Esquire, the Hon- Trustees ap-  
orable John Simpson of Bowmanville in the County of Durham, John pointed for  
Burk of the same place, merchant, and Robert Armour of the same place, certain pur-  
Esquire, and the survivors and survivor of them and their successors to poses.  
35 be appointed as hereinafter mentioned, are and is hereby declared to be  
Trustees for the said Robert Taylor Raynes and Elizabeth Raynes his  
wife and their children and the said Victoria Sophia Bowman, of their  
portion of the said estate of the late Charles Bowman for the following  
purposes and no other, namely:

Conveying  
property sold  
by Bowman.

1st. To make good and sufficient conveyances of such lands of the said Charles Bowman as were sold during the life-time of the said Charles Bowman, and for which no conveyances were given, to such person or persons as are legally entitled thereto, their heirs and assigns forever :

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Selling a por-  
tion of the  
other real pro-  
perty.

2ndly. To sell and dispose of all the lands left by the said Charles Bowman in Upper Canada other than the lands in Bowmanville, and not more than fifty acres of such lands as lie in the Village of Bowmanville, of such parts or portions thereof as to the said Trustees jointly shall seem best, (except the mills and appurtenances thereto pertaining, together with 10 at least ten acres required for the use of the said mills, which shall in no case be sold,) and to give proper conveyances thereof (provided that no sale shall be made by auction and not more than half an acre shall be sold to any one person, and that no sale by the said Trustees to any one of themselves shall in any case be good,) and to receive the consid- 15 eration money for such sales, and in case of sales on time to take mortgages and invest the consideration money in good and sufficient securities until the parties entitled thereto shall be of legal age.

Appointment  
of new Trus-  
tees in case of  
death, &c.

II. At any time or times hereafter in every case of the decease, in- capacity or unwillingness to act or resignation of any of the Trustees 20 respectively appointed by this Act, it shall be lawful to and for the Judge of the County Court of the united Counties of Northumberland and Dur- ham or one of the Judges of one of the Superior Courts at Toronto, on the written application of the devisees or a majority of them or his or her guardians, to appoint and substitute a new Trustee or Trustees res- 25 pectively in the room and place of such Trustee or Trustees respectively dying or becoming unable or unwilling to act or resigning as aforesaid, the said Judge to appoint by writing under his hand the person or persons named by the said devisees or the majority of them, by themselves or their guardian or guardians, and such new Trustee or Trustees so ap- 30 pointed shall have the same powers for all purposes whatsoever in the matters of their respective trusts as if expressly named and appointed in and by this Act.

Public Act.

III. This Act shall be deemed a public Act.