

No. 140.

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

(PRIVATE BILL.)

BILL.

An Act to enable the surviving Executor of the late John McIntosh, Esquire, to lease certain realproperty in Toronto:

Received and read, first time, Monday, 23rd
March, 1857.

Second reading, Tuesday, 24th March, 1857.

MR. MACKENZIE.

TORONTO:

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An Act to enable the surviving Executor of the late John McIntosh, Esquire, to lease certain real property in Toronto.

WHEREAS the late John McIntosh, in his life-time of the City of Preamble.
 Toronto, in and by his last will and testament, duly executed on
 the nineteenth day of July, one thousand eight hundred and forty-nine,
 devised to his two sons James McIntosh and Charles McIntosh (then and
 5 now minors) their heirs and assigns, or the survivor of them when they
 obtain the age of twenty-five years, all and singular that certain parcel
 or tract of land on the corner of Yonge Street and Queen Street (in the
 said City of Toronto) purchased by the Testator from the Honorable
 George Cruikshank and James B. Macaulay, Executors of the late Dr.
 10 Macaulay, containing about a quarter of an acre, together with all
 houses and buildings thereon, to have and to hold the same share and
 share alike for ever, but subject to the condition that the Testator's wife,
 Helen McIntosh, should during her life receive for her and the support
 of the Testator's family the rents and profits of the said property, and
 15 with the further condition that if any of the property which the Testator
 had insured and of which he had left the rents and profits to his wife
 during her natural life, should be destroyed by fire, then his Executors
 should have power to lease the land or any part thereof, as they might
 think best for the support of his wife and family, for any term not ex-
 20 ceeding forty two years, the insurance money to be invested on landed
 security for the good of the legatees: And whereas the said Testator
 died seized of the property above described, and the said Will was duly
 proved and administration granted to the said Helen McIntosh and to
 Thomas Elliot of the Township of Scarborough, in the County of York,
 25 Gentleman, the Executors appointed by the said Testator in his said Will,
 and the house and buildings on the said property were thereafter destroyed
 by fire, being then insured, and the insurance money was invested as
 directed by the Testator: And whereas the said Helen McIntosh is now
 deceased, and the said Thomas Elliot the sole surviving Executor un-
 30 der the said Will, hath represented by his petition to the Legislature,
 that it would be greatly for the interest of the said devisees James
 McIntosh and Charles McIntosh that the said lot of land should be leased
 for a shorter term than forty-two years, but renewable on such conditions
 as he and the lessee might agree upon and insert in the lease, but that
 35 he finds that he has no power so to lease the said land and to bind the
 future owners thereof to such renewal, and the said land has for want
 of such power lain for some years unproductive, and subject to heavy
 taxes; and he hath therefore prayed that he may be empowered to make
 such lease and to carry out the intentions of the said Testator: There-
 40 fore Her Majesty, &c., enacts as follows:

Mr. Elliot empowered to lease the lot mentioned in the Preamble, and to make the lease renewable.

I. The said Thomas Elliot as such executor as aforesaid, shall have full power and authority to grant a lease or leases of the lot of land mentioned in the preamble, or of any part thereof, for any less term than forty-two years, for the purpose of building upon or improving the same, or otherwise, on such terms and conditions as he shall deem best for the interest of the said devisees, and of the future owners of the said land, and to make any such lease renewable for any further term or terms on such conditions as he and the lessee may agree upon and insert therein, so as the whole of such terms shall not, taken together, exceed forty-two years; and any such lease shall bind the said devisees and future owners of the said land, and shall enure to their benefit, as if the said Thomas Elliot had been expressly and validly empowered by the said Will to make such lease, subject to such conditions of renewal and otherwise as aforesaid.

Public Act.

II. This Act shall be deemed a public Act.

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