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No. 92.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act for the Relief of the Representatives of the late Thomas Ewart.

(PRIVATE BILL.)

Received and read, first time, Tuesday, 9th
April, 1861.

Second reading, Wednesday, 10th April,
1861.

Mr. WALLBRIDGE.

QUEBEC:
PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act for the Relief of the Representatives of the late
Thomas Ewart.

WHEREAS, Catharine Seaton Ewart, of the City of Toronto,
 widow of the late Thomas Ewart, of the same place, Esquire,
 hath presented her Petition to the Legislature of this Province, setting
 forth, amongst other things—that by the Will of the late John Ewart, of
 5 the City of Toronto, Esquire, he devised one-fifth of his residuary
 Estate to the family of his deceased son, the said Thomas Ewart, and
 directed that the said Catharine Ewart should have the benefit of the
 annual produce of the said fifth for her life, or so long as she remained
 the widow of the said Thomas, for her own use, subject only to the
 10 maintenance and education of their children, who are minors of tender
 years; that the said residuary Estate comprises, amongst other prop-
 erty, some very valuable vacant Lots in the City of Toronto and
 elsewhere; that a partition of a portion of the said residuary Estate
 15 having been made amongst the devisees, that part of the said Estate
 which, on such partition, fell to the lot of the said family, comprises,
 amongst other property, certain portions of the said unoccupied land
 in the City of Toronto, of great value, but yielding little or no income,
 and which cannot be made do so to any extent commensurate with the
 20 value of the property, without expending a large amount of money
 thereon, or giving building leases or other long leases thereof; that the
 said Will gives ample powers to the Trustees, with the concurrence of
 the said Catharine, during her life, and of the legal guardian of the
 said children after her death, to lease for any period or periods, or to
 25 make sale of any part of the said Estate before partition, and to resell
 and lease Real Estate which after partition might be purchased by way
 of investments of any part of the share of the said family, but it is
 considered that such powers do not extend to leases or sales of the
 devised property after partition; that the omission of such powers was
 30 (as the said Petitioner submitted) manifestly an oversight and error,
 and that it would be for the interest of the family to allow leases and
 sales to be made in such cases as well as others; and the said Catharine
 Seaton Ewart having prayed for relief in the premises, it is just and
 expedient to grant the same: Therefore, Her Majesty, &c., enacts as
 follows:

35 I. The said Trustees for the time being, with the concurrence of the
 said widow, or, after her death, of the legal guardian or guardians of
 the minor children, shall have the same power to make sale of and to
 lease any property which, on the said partition, has fallen to, or which
 on any future partitions may fall to the said family of the said Thomas
 40 Ewart, in the same manner and to the same extent, and subject to the
 same powers and conditions as like sales and leases might have been
 made before partition under the said Will, and the monies payable on
 such sales and leases shall be disposed of in the same manner, and
 subject to the same powers, trusts and conditions, as the share of the

Preamble.

Will of John
Ewart,
recited.The trustees,
with the con-
sent of the
widow, inves-
ted with cer-
tain powers
of sale.

said family, in and of monies which would have been produced by like sales and leases before partition, under the said Will; and further sales of any of the said Real Estate, whenever partitioned or purchased, may be made while so leased or otherwise: and if any building leases are made of any property partitioned or purchased, the same may contain 50 all or any of the provisions usual in such leases, and may also contain such provisions in regard to renewals, removing the buildings, compensation therefor by such persons as may be owners of the Estate when the same is payable, or otherwise, as may be deemed fit.

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