

No. 94.

1st Session, 7th Parliament, 26 Victoria, 1862.

An Act for the relief of the Devises of the
late Honorable Charles Jones.

Received and Read, first time, Thursday, 5th
March, 1863.

Second Reading, Monday, 9th March, 1863.

PRIVATE BILL.

HON. Mr. SHERWOOD.

QUEBEC.

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE STREET.

An Act for the relief of the Devises of the late Honorable Charles Jones.

WHEREAS Frederick Jones of the Town of Brockville, in the Preamble.

County of Leeds, and Province of Canada, Gentleman, Anson Jones of the same place, Gentleman, John Squire Martin, of the same place, Gentleman, Henrietta Martin, his wife, Mary Ann Jones, of the same place, widow and devisee of Charles Edward Jones, late of the same place, Gentleman, now deceased, and Florella Jones, of the same place, widow, have presented their petition stating amongst other things that the said Frederick, Anson, Henrietta, and Charles Edward, were children, and the said Florella, widow of the Honorable Charles Jones; late of the town of Brockville aforesaid, now deceased, and that the said Honorable Charles Jones died seized of valuable real estate in Upper Canada, and before his death duly made and published his last Will and Testament sufficient to pass such real estate, and died without revoking the same, whereby amongst other things he devised as follows :—“ I further give, devise, and bequeath to my said wife
 15 “ Florella for and during her natural life, the dwelling house and lot,
 “ with the appurtenances thereunto belonging, on which I now reside,
 “ the said house and fences to be put in good tenantable repair, and to
 “ be insured against fire by my said Executors, from and out of my
 20 “ estate. And further, I give and bequeath to my said wife all books
 “ purchased by herself or in boards, and the remainder of my books I
 “ give to her with the maps, during her natural life, and after her
 “ decease I give the same to my son Ormond: but in case my said
 “ wife shall survive my said son Ormond, then I give her all my books
 25 “ for her use and to dispose of to my other children as she may think
 “ proper. I give and devise all my real estate of what nature or kind
 “ soever, (including my said dwelling house and premises after the
 “ decease of my said wife,) to Henry Jones of Brockville aforesaid
 “ Esquire, my brother Alpheus Jones, of Prescott, Esquire, and
 30 “ David B. Ogden Ford, of Brockville, aforesaid, Esquire, their
 “ heirs and assigns forever, upon the trusts, and to and for the
 “ ends, intents and purposes hereinafter mentioned, that is to say, upon
 “ trust to sell so much thereof as they shall think proper either upon
 “ credit or for ready money, and to pay out the proceeds of such sales
 35 “ in aid of my personal estate or a sufficient portion thereof until a
 “ fund shall be accumulated to meet all charges placed upon my estate
 “ after payment of my debts, by investing such proceeds in Govern-
 “ ment debentures, Bank Stock, Mortgage upon real estate, or other
 “ security, real or personal: And as to the residue of my real estate,
 40 “ upon trust to divide the same into six portions as nearly equal as
 “ possible, one portion whereof my said Trustees shall convey, transfer
 “ and assign to my son Ormond Jones, his heirs and assigns for ever,
 “ four other portions, whereof my said Trustees shall convey, transfer
 “ and assign to my said wife Florella and her assigns forever, in trust
 45 “ for her the said Florella, my said wife, to convey, transfer, assign,
 “ or devise in fee simple to my younger children Frederick, Charles
 “ Edward, Henrietta, and Anson, or either of them, atsuch times and

Recital of
Will and acts
of Executors
and Trustees
under it.

" in such portions as she in her discretion may deem right and proper,
 " or sell and dispose of such portions thereof as shall be required for the
 " support, education or advancement in business of any such child
 " respectively. And in case my said wife Florella having received
 " from my said Trustees a conveyance or assignment of any such real
 " estate in manner hereinbefore provided shall depart this life without
 " disposing of, assigning or devising the said estate or any part there-
 " of in manner aforesaid, then the said four portions of my said real
 " estate or so much thereof as shall not be disposed of, assigned or
 " devised, shall by my said Trustees be divided among my said four
 " last mentioned children or such of them as shall survive my said wife
 " Florella, share and share alike, and all the children of any of my said
 " last mentioned children deceased, taking the share of the deceased
 " parent, to be held by them in fee simple as aforesaid, share and share
 " alike."

Recital con-
tinued.

And also stating by the said petition, that the said Henry Jones,
 Alpheus Jones, and David B. Ogden Ford, with a view of conveying to
 the said Florella Jones, the Four portions of the residue of the said
 real estate upon the trusts in the said Will mentioned, as they were
 thereby directed, by a certain Indenture dated the thirteenth day of
 March, in the year of our Lord one thousand eight hundred and forty-
 eight, and made between the said Henry Jones, Alpheus Jones, and
 David B. Ogden Ford, of the one part, and the said Florella Jones
 of the other part, whereby, after reciting amongst other things the said
 Will, and that they the said Trustees, had bargained and sold certain por-
 tions of the real estate so devised to them, and had paid and advanced out
 of the proceeds of such sales on account of the respective shares of the
 said Frederick, Charles Edward, Henrietta, and Anson, to the said
 estate, either to the said Florella or to them respectively at her request,
 or with her sanction, certain sums of money, and that by virtue of the
 powers of said Will they had paid to Okill Jones, another son of said
 Honorable Charles Jones, on account of his share of said Estate, certain
 goods, chattels, effects and moneys, and that they had advanced to
 Ormond Jones, another son of said Honorable Charles Jones, on account
 of his share of said estate, certain goods, chattels, effects, and moneys,
 and that they had made a division of the residue or certain of the
 estate of the said Honorable Charles Jones, remaining in their hands
 to be divided, as far as the same at that time could be done into six
 portions, as nearly equal as possible, and that in such division the lots,
 tracts, or parcels of land and other premises or property thereafter
 mentioned and conveyed or intended to be conveyed thereby to the said
 Florella Jones, were selected or allotted for and on account of the said
 Four portions or shares of the said estate so directed to be conveyed to
 the said Florella Jones as aforesaid, and that such division having been
 made it was desirable and proper that the lands and premises so select-
 ed or allotted on account of the said Four shares or portions, should be
 conveyed to the said Florella Jones, in pursuance of the provisions of
 and for the purposes mentioned in the said Will, assumed to grant,
 bargain, sell, alien, release, transfer, assign, convey, and confirm unto
 the said Florella Jones and her assigns forever, as fully and effectually
 to all intents and purposes as they had power to do by virtue of the
 said Will or any demise, power or authority therein mentioned and
 described, To have and to hold unto the said Florella Jones and her
 assigns for ever, as fully and effectually to all intents and purposes
 whatever as the said Florella Jones or her assigns could or might, or
 of right ought to have, hold, possess or enjoy the same, the said lands and
 premises, under and by virtue of those presents, upon and for the trusts,
 intents and purposes mentioned and declared in and by the said last

Will and testament of and concerning the said Four portions so directed to be conveyed, transferred and assigned to the said Florella as aforesaid, that is to say in trust for her the said Florella to convey, transfer, and assign or devise in fee simple to his the said Honorable Charles Jones's younger children, Frederick, Charles Edward, Henrietta, and Anson, aforesaid, or either of them, at such times and in such portions as she in her discretion might deem right and proper, or sell and dispose of such portions thereof as should be required for the support, education, or advancement in business of any such child respectively, and also upon and for, and subject to any and all other trusts, intents, ends, purposes, terms and provisions made, mentioned, declared or expressed in or by the said last Will and testament, of concerning or touching the said Four portions or the said lands and premises or any part thereof, or whereby the same or any part thereof could or might be in any manner affected, divided, settled or disposed of.

And also, stating by the said petition that the said Florella Jones conveyed certain portions of the said lands and premises to the said Frederick, Charles Edward, Henrietta, and Anson, in pursuance of the said Will and the said conveyance to her, and that the said Frederick, Charles Edward, Henrietta, and Anson, have respectively conveyed portions of the said lands and premises so conveyed to them respectively to various parties; And that some of them are desirous of conveying more of the same, but doubts have arisen as to their title, inasmuch as the said conveyance by the said Trustees to the said Florella Jones does not contain any words of inheritance, and that it is alleged only a life estate was thereby conveyed to her, and that inasmuch as the said Henry Jones, and David B. Ogden Ford are deceased, and the intellect of the said Alpheus Jones has become too weak by advanced age to execute a deed, so that the defect cannot be remedied by the surviving Trustee, they have prayed that an Act may be passed declaring and enacting that the lands, tenements, and hereditaments mentioned and described, and intended to be conveyed in or by the said indenture made by the said trustees of the one part and the said Florella Jones of the other part, were conveyed in fee simple by the said indenture to the said Florella Jones, upon the trusts therein, and in the said last will and testament mentioned, and expressed in relation thereto.

And whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The lands, tenements and hereditaments mentioned and described, and intended to be conveyed in and by the said indenture, bearing date the 13th day of March, in the year of our Lord, one thousand eight hundred and forty-eight, were on the day of the date of the said indenture thereby conveyed to the said Florella Jones in fee simple upon the trusts therein mentioned.

The said lands declared to have been conveyed to Florella Jones in fee simple.

2. This Act shall be deemed a Public Act.

Public Act.