

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:
  - Cover title page is bound in as last page in book but filmed as first page on fiche.
  - Cover title page is cut off.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
12x			16x			20x			24x			28x			32x		

No. 274.

---

---

2nd Session, 7th Parliament, 26 Victoria

---

---

**BILL.**

An Act to enable the surviving trustee of the will of the late Lieutenant-General Sir William Johnston, K. C. B., de to sell certain lands in Canada be to the estate of the said General Jo

**PRIVATE BILL.**

---

Received and read 1st time, Wed  
22nd April, 1863.  
Second reading, Thursday, 23rd Apr

---

Mr. WALLBR

---

QUEBEC:

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

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, &amp;c., &amp;c., &amp;c.

And the petitioners submit that it was an oversight and error, and is a hardship, and ruinous to the estate to be compelled to hold unproductive property which annually diminishes the income of those whom it was the testator's intention to benefit; and that it would be for the interests of the family to sell the lands and hold the purchase money subject to the trusts imposed by the testator in respect of the said lands, and they pray for authority so to do. 5

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

**Trustees invested with powers to sell lands in Canada belonging to the estate.** 1. Robert Johnston and James Johnston, the trustees aforesaid, or the trustees for the time being, under the will and codicils of the said late Lieutenant-General Sir William Johnston, K. C. B., deceased, shall have power to sell and dispose of the lands owned by the estate of the said General Johnston, in Canada, either by public sale or by private contract, either in parcels or together, and either for cash or upon security by mortgage, or in such manner as to the trustees, for the time being, shall seem best, with or without any special or other stipulations as to title or evidence or commencement of title or otherwise, and shall have power to buy in, rescind, or vary any contract for sale, and resell without being answerable for loss occasioned thereby. 10 15 20

**And after payment of expenses, stand possessed of residue of purchase moneys, subject to trusts in will.** 2. The trustees for the time being shall, for the purposes of this Act, have power to execute and do all such assurances, assignments, deeds, acts, and things as they shall think fit; and shall, by and out of the moneys arising from such sale or sales, pay, and reimburse themselves for any expenses incurred in or about the execution of any of the trusts or powers now granted them, or granted them under the provisions of the said will and codicils thereto, and pay the expenses incurred in or about the obtaining of this Act, and shall stand possessed of the residue of the same moneys, upon such trusts, and with, and subject to such powers as are declared by the said will and codicils in respect of the said lands in Canada, thereby devised, and shall have power to invest said moneys in such manner as to the trustees for the time being shall seem best for the benefit and advantage of the parties beneficially entitled under the said will to the lands aforesaid. 25 30 35 40

**Purchaser not bound to see to application of purchase money.** 3. No purchaser or purchasers shall be bound to enquire, or to see to the application of the said purchase moneys, or be responsible for their misapplication, and the receipts of the said trustees, for the time being, or of their agent or attorney duly authorized in that behalf, shall wholly absolve any purchaser or purchasers from the responsibility in respect of the application or misapplication of the same. 35 40

**Public Act.** 4. This Act shall be deemed a public Act.