



No. 109.

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2nd Session, 7th Parliament, 26 Vict., 1863.

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BILL.

An Act to empower the Executors and Trustees of the late James Grimes to sell his Real Estate to pay his debts.

PRIVATE BILL.

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Received and read, 1st time, Thursday, 5th  
March, 1863.

Second Reading, Monday, 9th March, 1863.

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Mr. DUNSFORD.

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY  
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An Act to authorize the Trustees and Executors of James Grimes to sell his real Estate to pay his debts.

**W**HEREAS Margaret Grimes, Widow of James Grimes, of the town-<sup>Preamble.</sup>  
ship of Mariposa, in the County of Victoria, yeoman, deceased,  
John Henry Grimes, Susannah Grimes, Rebecca Grimes, and James  
Grimes, children of the said James Grimes, deceased, and Walter  
5 Wright, Jacob Shouldise, and Robert Swain, all of the said Township of  
Mariposa, yeomen, executors of the said James Grimes, deceased, have  
by their petition represented: That the said James Grimes died on the  
7th day of December, A. D., 1858, and by his Will dated the 5th day of  
December, 1858, left and bequeathed all his real and personal property  
10 to his wife, Margaret Grimes for her life, and at her death, or on her  
marrying again, to his children, to be divided between them; that the  
said James Grimes at the time of his death was in embarrassed circum-  
stances and indebted to various persons on mortgage and otherwise to a  
large amount; that the debts of the said James Grimes still remain un-  
15 discharged and that the petitioners have no means of paying the same  
except by a sale of the real estate left by the deceased: And whereas  
the said petitioners have prayed that an Act may be passed giving power  
to the said executors of the said James Grimes, with the consent of his  
widow, the said Margaret Grimes, to sell the real estate of the said tes-  
20 tator for the purpose of paying off the several claims against the same,  
and to invest the balance of any monies arising from such sale, after the  
payment of the several claims aforesaid, for the benefit of the widow and  
children of the deceased James Grimes: and whereas it is expedient  
to grant the prayer of the petitioners:—Therefore Her Majesty, by  
25 and with the advice and consent of the Legislative Council and As-  
sembly of Canada, enacts as follows:—

1. The said Walter Wright, Jacob Shouldise and Robert Swain, or  
the survivors and survivor of them, with the consent of the said Mar-<sup>Executors of</sup>  
garet Grimes, shall be and are hereby empowered to sell and dispose <sup>James Grimes</sup>  
30 of the real estate of the deceased James Grimes, either by public auction <sup>may sell his</sup>  
or private contract, or partly by the one mode and partly by the other, <sup>real estate to</sup>  
as to them may seem best, and to make and execute good, valid, and <sup>pay his debts.</sup>  
effectual deeds and conveyances of the same, in the same manner that  
the said James Grimes might or could have done in his lifetime, and  
85 after deducting the necessary expenses attending such sale to apply  
the proceeds to the payment of the debts and liabilities of the de-  
ceased James Grimes.

2. The said Walter Wright, Jacob Shouldise, and Robert Swain, <sup>Balance to be</sup>  
or the survivors or survivor of them, shall invest any balance of <sup>invested as</sup>  
40 monies arising from such sale (after due payment of the debts of the <sup>directed by</sup>  
said deceased) for the benefit of the said Margaret Grimes, his widow, <sup>his will.</sup>  
during her life or so long as she shall remain unmarried, in such  
manner and form as she the said Margaret Grimes shall direct or ap-  
prove, and at the death of the said Margaret Grimes, or on her mar-  
45 rying again, they, the said Walter Wright, Jacob Shouldise, and

Robert Swain, or the survivors or survivor of them shall pay over and divide such balance of monies as aforesaid, and any interest accrued on the same, to and amongst the children of the deceased James Grimes, in the manner directed by his will.

- 5 **3.** In case of the death of all the said executors of the said deceased James Grimes, before the death or marriage again of the said Margaret Grimes, it shall be lawful for the Judge of the County Court of the county of Victoria, on application to him in writing of the said Margaret Grimes, or of any one or more of the children of the said deceased, to nominate and appoint some fit and proper person to act in the place of the executors of the said James Grimes, who shall have so died as aforesaid, and in like manner to appoint another in case of the death of the person so appointed, and so as often as occasion may require.

Provision for  
replacing Ex-  
ecutors dying,  
etc.

- 15 **4.** This Act shall be deemed a Public Act.

Public Act