

No. 196.

2nd Session, 6th Parliament, 22 Victoria, 1859.

(PRIVATE BILL.)

BILL.

An Act to authorize William McAdam to sell certain Village Lots, and for other purposes therein mentioned.

Received and read, first time, Wednesday, 23rd
March, 1859.

Second reading, Monday, 28th March, 1859.

HON. MR. CAYLEY.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to authorize William McAdam to sell certain Village Lots, and for other purposes therein mentioned.

WHEREAS William McAdam of the Township of Pembroke, in the County of Renfrew, Esquire, has presented his petition stating (amongst other things) "That the late David Campbell Dunlop, of the Township of Pembroke in the County of Renfrew, before and at the time of his death, was seized and possessed of Lots numbers twenty-four and twenty-five, in the second concession of the Township of Pembroke, and other lands in the said Township of Pembroke; that in the month of July, A. D. 1850, the said David Campbell Dunlop died and left a will bearing date the twenty-ninth day of June, A. D. 1850, in which will he bequeathed all his real and personal estate to his wife Mary Dunlop, during her life time, and at her death, to be equally divided among his (the said David Campbell Dunlop's) surviving brothers and sisters; That William McAdam the petitioner was married to his said widow Mary Dunlop, in the month of October, one thousand eight hundred and fifty-three; That before the decease of the said David Campbell Dunlop, the Village of Campbelltown was founded and laid out, upon Lots numbers twenty-four and twenty-five, in the second concession of the Township of Pembroke aforesaid, by the late David Campbell Dunlop and some of the Village Lots so laid out, were purchased and built upon; and since the death of the late David Campbell Dunlop an improvement in the first survey of the said Village was made by petitioner; That the petitioner did not register the plan of the said Village, which he has in his possession in duplicate, being desirous of extending the limits of the said Village, so soon as he procures an Act authorizing the sale of Lots in the said Village of Campbelltown; That the heirs and devisees of the late David Campbell Dunlop, after the decease of Mary Dunlop his late widow, as aforesaid, and now the wife of petitioner having an interest in the said estate, who, by the terms of the said will, have a right to inherit, were, at the time of the death of the said David Campbell Dunlop, John Dunlop, Aroona H. Dunlop, Hugh Dunlop and Alexander Dunlop, brothers of the late David Campbell Dunlop, and Clarissa Dunlop and Laura Langdon Dunlop, sisters of the late David Campbell Dunlop; That three of these heirs and devisees as aforesaid, to wit, John Dunlop, Aroona H. Dunlop and Hugh Dunlop, reside in the immediate vicinity of the said Village of Campbelltown, in the said Township of Pembroke, and the remaining heirs and devisees, if now alive, are residing in foreign countries; That the petitioner with the consent, and by the advice and request of the heirs and devisees residing in the vicinity, which consent is to the said petition annexed in

Preamble.

writing, is desirous of procuring an Act of the Legislature, authorizing the petitioner to sell Village Lots in the said Village of Campbelltown, situated on Lots numbers twenty-four and twenty-five in the second concession of the said Township of Pembroke in the following manner and upon the following conditions, to wit: the purchase money to remain in the hands of the purchaser until the heirs and devisees come into possession of the said estate, according to the provisions of the said will of the late David Campbell Dunlop, your petitioner receiving the interest on the purchase money annually, and the heirs and devisees or the survivor or survivors of them, making a deed and assuring a title in fee simple to the purchasers upon coming into possession of the said estate of the late David Campbell Dunlop; And it is also alleged in the said petition, that it would be for the benefit and prosperity of the Village of Campbelltown to pass an Act authorizing the sale of Lots as aforesaid, and also it appears that the heirs and devisees have given their consent thereto; And whereas it is expedient to grant the prayer of the said petition;” Therefore Her Majesty, &c., enacts as follows :

Power to Wm. McAdam to dispose of property of late D. C. Dunlop.

I. From and after the passing of this Act, it shall and may be lawful for the said William McAdam to sell and dispose of, all or any portion or portions of Lots numbers twenty-four and twenty-five in the second concession of the Township of Pembroke, in the County of Renfrew, which are now surveyed and laid out, or which may hereafter be surveyed and laid out in Village Lots, the plan of which survey now made or hereafter made, shall be by the said William McAdam registered in the Register Office of the County of Renfrew.

But such sales to be by bond for conveyance in fee simple to be given by heirs, &c

II. The said William McAdam shall have no power or authority to give an absolute deed or conveyance in fee simple of any of the said lands, but the sale shall be by bond, which bond or obligation shall be duly executed in duplicate under seal by the said William McAdam and the purchaser or purchasers, and shall bind the heirs and devisees of the late David Campbell Dunlop had in their proper persons duly executed the same; Provided always, that the conditions of the said bond are duly fulfilled by the purchaser or purchasers as hereinafter mentioned.

Purchase-money to be retained by vendor but interest thereon to be paid to W. McAdam.

III. The purchase money shall remain in the hands of the vendee until the heirs and devisees of the said David Campbell Dunlop come into possession of the estate as aforesaid; Provided always, that the interest upon the said purchase money, being not less than six per cent., be paid annually to the said William McAdam during the life time of Mary his wife, late widow of the said David Campbell Dunlop as aforesaid.

Bonds for final conveyance to be valid in law and equity.

IV. Every bond made and executed by the said William McAdam, of or concerning any part or portions of the said lots, shall be valid in law and equity as against every person who, under the said will of David Campbell Dunlop, may have or claim or might have or claim any estate or interest therein; Provided always, that the purchase money or sum agreed upon by and between the said William McAdam and the purchaser or purchasers, shall be payable on demand to the heirs and devisees of the said David Campbell Dunlop or the survivor or survivors of them, upon coming into full and absolute possession of

the said estate after the death of Mary, wife of the said William McAdam and late widow of David Campbell Dunlop; And should default be made in the payment of the purchase money as aforesaid, then in such case the sale made by the said William McAdam to the vendee shall be absolutely void, and the lands held in possession by the vendee shall thereupon revert to the heirs and devisees of the late David Campbell Dunlop.

In case of default to pay purchase money, property to revert to heirs.

V. The heirs and devisees under the will of the late David Campbell Dunlop shall, upon receiving the original purchase money thereof, or upon a tender of such sum being made to any or either of them, grant to the vendee a good, sure and sufficient deed of conveyance in fee simple in accordance with the stipulations and conditions of the bond or bonds executed by the said William McAdam in accordance with the provisions of this Act; and if the heirs and devisees or any or either of them neglect or refuse to give to the purchaser a deed as aforesaid, then and in such case the vendee shall have the same remedy at law or in equity as if the heirs and devisees aforesaid had themselves executed the said bond or bonds of sale.

Heirs bound to convey in fee simple upon tender of purchase money.

VI. This Act shall be deemed a public Act.

Public Act.