

Laws of His Majesty's Province of Upper Canada, passed in the year 1828. York: Robert Stanton, 1828.

9 George IV – Chapter 20

An Act for enabling William Warren Baldwin, Esquire, to carry into effect the Will of late Laurent Quetton Saint George, and for other purposes relating to the real and personal Estates, which were of the said Laurent Quetton Saint George. Passed 25th March, 1828.

Whereas Laurent Quetton Saint George, formerly Lieutenant Colonel, in the service of the French King, did some time in the Year of Our Lord One Thousand Seven Hundred and Ninety-Seven or Eight, during the Revolution then raging in France, together with several other French Loyalists, withdraw from the violence of the times in that Country for safety into England, and from thence did emigrate into Upper- Canada, where he became possessed of considerable Estates, real and personal, part thereof by Grant, from His late Gracious Majesty, King George the Third, made to the said Laurent Quetton Saint George, as a reward for the fidelity and loyalty of the said Laurent Quetton Saint George, to his lawful Sovereign the French King; and part thereof acquired by the said Laurent Quetton, in the course of the Commercial transactions wherein the said Laurent Quetton, was occupied, during his residence in this Province. And whereas after the restoration of the French King to the Throne of his Ancestors, the said Laurent Quetton Saint George, returned into France, having first duly appointed William Warren Baldwin, of York, in the said Province of Upper- Canada, Esq., his lawful Attorney and Agent for him, and in his name to transact all matters and things in any wise concerning those Estates, in as ample a manner as he the said Laurent Quetton, might have done, were he personally present; and whereas the said Laurent Quetton Saint George, did afterwards, that is to say, on the Eighth day of June, in the Year of Our Lord One Thousand, Eight Hundred and Twenty-one, depart this life at the City of Orleans, in France, aforesaid, leaving Madame Adele de Barbeyrac de Saint Maurice, his Widow, and Henry Charles Joseph Quetton de Saint George, his only child legitimate, having first made his last Will and Testament olographe, which Will and Testament hath been duly authenticated according to the Law of France, before M. Chauret, President of the Civil Tribunal of the Arrondissement or Circuit of Montpellier, in France, aforesaid, and at the request of the said Adele de Barbeyrac, his said Widow, transcribed in the registry of M. Auduze, in the Bureau or Office of that City. And whereas the said Laurent Quetton Saint George, by his said Will did appoint the said Adele de Barbeyrac, his said Widow, the Tutrix or Guardian of his said Son, Henry Charles Joseph Quetton de Saint George, then and still an Infant under age, and in his said Will doth refer to the afore-mentioned appointment of the said William Warren Baldwin, as desirous that the said William Warren Baldwin, should after his decease, pursue and act upon the requests, powers, and authorities of him the said Laurent Quetton Saint George, made by him in the appointment aforesaid, for the recovery of all debts due unto him and in the sale and disposal of all Estates belonging to or accruing to the use of the said Laurent Quetton Saint George, in the said Province of Upper Canada. And whereas the said Adele de Barbeyrac, Widow, and Tutrix, as aforesaid, by a certain instrument in writing duly authenticated according to the French Law, dated the Eleventh

day of June, One Thousand, Eight Hundred and Twenty-one, at Montpellier, aforesaid, and registered with Anduze, Notary, in the said City of Montpellier, did in her capacity as Tutrix, as aforesaid, authorise and desire the said William Warren Baldwin, to proceed in the management of the said Estates, according to the appointment, powers and instructions, given him by the said Laurent Quetton Saint George, her said Husband, in his life time and by him referred to in his said Will; and whereas the said William Warren Baldwin, by virtue of such reference and authority so expressed in the said Will and of the said authority given him, by the said Adele de Barbeyrac, the Tutrix aforesaid, did sue out Probate of the said Will of the said Laurent Quetton Saint George, from the Court of Probate, in this Province, and hath accordingly proceeded towards the recovery of the debts so due to the Estate of the said Laurent, as the Executor of the said Will within this Province, and hath upon settlement and composition with divers debtors thereof, become seized and possessed of several parcels of Land within this Province, by deeds of bargain and sale, mortgages and other contracts to the use of the said Laurent Quetton Saint George, or otherwise as belonging to his Estate, and it is desirable and just that the said William Warren Baldwin, as such Executor, should be enabled to proceed in the final recovery of the debts still outstanding, and due to the said Estate, and upon settlement or composition with any such debtors to accept of Land or other real Estate as to him may seem advisable. And whereas it hath been represented on the part of the said Adele de Barbeyrac, the Tutrix, aforesaid, that the said William Warren Baldwin, is unable to proceed in the final adjustment and disposal of the said Estates to and for the uses of the said Will of the said Laurent Quetton Saint George, by reason of the alien birth of the said Laurent and of his said Son Henry; and whereas the said Henry being such alien when of full age cannot avail himself of any legal right to the said Estates, and it is desirable for the ends of Justice and for the relief of the said Infant, Henry Charles Joseph Quetton de Saint George, in compliance with the request of the said Adele de Barbeyrac, his said Tutrix or Guardian, that the said William Warren Baldwin, should be vested with legal powers to proceed in the settlement, composition and recovery of the said outstanding debts, as also to the sale and disposal of the said real Estates and other Property, belonging to the Estate of the said Laurent Quetton Saint George, and that in the mean time he, the said William, his Heirs, Executors, and Administrators, should be by Law enabled in his or their own name or names, to enter upon and recover satisfaction for injuries to the said Estates, and also to release all Mortgages now subsisting and others to accept and those again to release upon payment or compromise, as the said William, his Heirs, Executors and Administrators, may deem fit and proper.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That notwithstanding the alien birth and condition of the said Laurent Quetton Saint George, deceased, and of the said Henry Charles Joseph Quetton, de Saint George, his said Son, he

the said William Warren Baldwin, as such Executor, as aforesaid, may proceed in the settlement of the said Estates and in the recovery of the debts remaining due thereon in like manner and by the same remedies as debts between subject and subject within this Province, may be prosecuted and recovered by Law.

II. And be it further enacted by the authority aforesaid, That all such real Estates as were held or supposed, or intended to be held by the said Laurent Quetton Saint George, in this Province at the time of his death, and not again sold and conveyed by the said Laurent Quetton, or by his Attorney or Attornies, Agent or Agents, before the passing of this Act shall be deemed and taken to be vested, and are hereby vested in the said William Warren Baldwin, his Heirs, Executors and Administrators, to have, hold, occupy, possess and enjoy the same, in his and their own name and names in the like Estate, and in as ample and beneficial a manner as the said Laurent Quetton Saint George, himself would or might have held, possessed and enjoyed the same, had he been a natural born subject of His Majesty, within this Province, upon trust nevertheless to sell and dispose of the same from time to time, at the discretion of the said William Warren Baldwin, his Heirs, Executors and Administrators, in such portion or portions as he or they may deem fit to and for the uses, intents and purposes, expressed in the said Will of the said Laurent Quetton Saint George.

III. And Whereas it hath been represented that all and every the several Lots, Pieces, Parcels and Tracts of Land, named or noted in the Schedule to this Act annexed, were heretofore purchased or otherwise accepted or taken by the said William Warren Baldwin, in consideration, satisfaction or compromise, of and in security for debts due to the said Laurent Quetton Saint George, to the use of the said Laurent Quetton Saint George, and as belonging to his Estate and subject to such dispositions as the said Laurent, might make or desire concerning the same, although no such use be expressed in any of the several Deeds, by virtue of which the said William, hath so purchased or accepted the same, and it is now desirable to declare the trust upon which the same are held according to the said Will of the said Laurent Quetton St. George. Be it therefore enacted by the authority aforesaid, That all and every the said several Lots, Pieces, Parcels and Tracts of Land, so named or noted in the said Schedule, with all and every the hereditaments thereto severally belonging, and all the Estate and Estates, Rights, Members and Appertenances to the same, and every of them in any wise appertaining or belonging, shall be and they are hereby vested in the said William Warren Baldwin, and his Heirs, Executors and Administrators, to have, hold, occupy, possess and enjoy the same, and every part and parcel thereof, according to the legal effect of the respective conveyances and assurances by which the same have been conveyed, and assured unto the said William Warren Baldwin, and with the like Estate and Title, as if the same had been purchased by the said William Warren Baldwin, to and for the use and benefit of himself, his Heirs, Executors and Administrators, upon trust nevertheless to sell and dispose of the same from time to time, at the discretion of the said William Warren Baldwin, his Heirs, Executors and Administrators, in such portion and portions as he and they may deem fit to and for the uses, interests and purposes, expressed in the said Will of the said Laurent Quetton Saint George.

IV. And as concerning those Estates heretofore sold and conveyed by the said Laurent Quetton Saint George, Be it enacted by the authority aforesaid, That all and every the conveyances so heretofore made by the said Laurent Quetton Saint George, shall be as valid and effectual as if he had been a natural born subject, and that as to such Estates as well as to such other Estates as have been heretofore sold and conveyed by the said William Warren Baldwin, as Agent or Attorney for the said Quetton Saint George, or any other Attorney or Agent for him the said Laurent Quetton, or for his use or benefit or the use or benefit of his Estate, that the said William Warren Baldwin, and his Heirs, Executors and Administrators, after the passing of this Act, shall have full power and authority to give and execute, and shall and may at the requests, costs and charges of the parties seized or possessed thereof or intended so to be seized or possessed, give and execute other and further assurances of the same, according to the true intent and meaning of the original Deed or Deeds, thereof made between the said Laurent Quetton Saint George, or any Attorney or Agent for him and the purchaser and purchasers thereof, and that such further assurance and assurances so to be given by the said William Warren Baldwin, his Heirs, Executors and Administrators, or any of them under and by virtue of this Act, shall be held and taken to be as good and effectual assurances in the Law of the said Estates to the person or persons so respectively seized or possessed thereof, or intended so to be, as if the said Laurent Quetton Saint George, had been a natural born subject of His Majesty within this Province, and had made and executed the Titles and such other further assurances thereof himself.

V. And be it further enacted by the authority aforesaid, That the said William Warren Baldwin, his Heirs, Executors and Administrators, under and by virtue of this Act, may bring, institute and prosecute to Judgment, Execution, or other legal determination at Law, or in equity, in his or their own name and right, any action or actions, real, personal or mixed, for or on account of the said Estates, for the recovery of the possession thereof or any part thereof, for the maintenance and defence of the Title and Titles thereof and of any part or parcel thereof, for any covenant or covenants expressed in the Title or Titles thereof, or of any breach or breaches of any such covenants, for any trespass, waste, intrusion, occupation, damage, or other injury whatever, done or to be done to the said Estates or the Titles thereto, or any of them or any part thereof, and all and every action and actions at Law or in equity against him, them, or any of them, for or on account of the said Estate or any of them or any part thereof, to appear to answer, plead to, or otherwise defend in like manner, and form as any natural born subject of His Majesty, within this Province, might sue or be sued at Law or in equity, for or concerning any matter or thing touching the real Estate of such a natural born subject within this Province.

VI. And be it further enacted by the authority aforesaid, That the said William Warren Baldwin, his Heirs, Executors and Administrators, under and by virtue of this Act, shall remain answerable to the said Adele de Barbeyrac, the said Tutrix, and to the said Henry Charles Joseph Quetton de Saint George, for the monies and proceeds of the said Estates so to be sold under and by virtue of this Act, according to the true intent and meaning of the said Will of the said Laurent Quetton Saint George, he the said William Warren Baldwin, and

his Heirs, Executors and Administrators, being in no wise answerable or accountable for the application, misapplication or non-application, of such monies or proceeds or of any part thereof by the said Tutrix, or any other Tutrix, or Tutor, or Guardian whatsoever, neither shall the said William Warren Baldwin, his Heirs, Executors and Administrators, be held in any wise answerable in the premises out of his own Estate, real or personal, the one for the other, but each answerable for himself only and for no other for any matter or thing in anywise concerning the said Estates or the monies or proceeds thereof, in the application, misapplication, or non-application thereof; provided nevertheless, that it shall and may be lawful for the said William Warren Baldwin, his Heirs, Executors and Administrators, to keep and retain to his and their own use and uses out of such monies and proceeds all reasonable compensation and disbursements for the services, costs, and charges, done or to be done, performed, expended, and paid by him, them, or any of them, in the business and execution of the several trusts in this Act expressed, and by the said trusts in any wise required, or necessary, or advisable to be done.

VII. And whereas the said Laurent Quetton Saint George, in his life time, did convey by Deed unto the said William Warren Baldwin, his Heirs and Assigns for ever, those certain Lots and Parcels of Lands, namely: Lots Number Thirty-two, Thirty-four, and Thirty-five, in the Fourth Concession of the Township of Whitby, in the Home District of this Province, to have and to hold the same to the use of the said William Warren Baldwin, his Heirs and Assigns for ever; and whereas the said William Warren Baldwin, as Trustee, under and by virtue of this Act, cannot further assure the same unto himself, and it is desirable that he the said William Warren Baldwin, should be further assured therein. Be it further enacted by the authority aforesaid, That the said certain Lots and Parcels of Land, namely: Lots Number Thirty-two, Thirty-four and Thirty-five, in the said Fourth Concession of Whitby, aforesaid; be held and taken to be vested and are hereby vested in the said William Warren Baldwin, his Heirs and Assigns for ever, in as full and ample a manner as the same would or might have been vested in the said Laurent Quetton Saint George, had he been a natural born subject of His Majesty in this Province.

VIII. And whereas some parts of those Estates referred to in the Second Clause of this Act, and some parts of those Estates referred to in the Third Clause of this Act, and some parts of those referred to in the Fourth Clause of this Act, have been derived from the Grant of His said late Majesty King George the Third, to others of the said French Emigrant Loyalists, that is to say: the Chevalier de Marseul, Jean Louis de Chalus, Augustin Boiton, Rene Augustin de Chalus, Ambroise de Farcy, Francois Renoux, and Michael Saigeon. Be it therefore enacted by the authority aforesaid, That those parts of the said Estates so derived shall be deemed, taken and held to be within the meaning and remedy of this Act, as to the vesting of the same in the said William Warren Baldwin, his Heirs, Executors and Administrators, or enabling him the said William Warren Baldwin, and his Heirs, further to assure the same or to bring or to defend any Actions concerning the same, according to the several and respective Clauses of this Act, providing for the said Estates, under their respective circumstances and conditions, notwithstanding the alien birth and condition of the said Chevalier de Marseul, Jean Louis de Chalus, Augustin Boiton, Rene Augustin de Chalus,

Ambroise de Farcy, Francois Renoux, and Michael Saigeon, or any of them. Provided always nevertheless that nothing in this Act contained shall extend or be construed to extend, to give validity to any title hereby vested in the said William Warren Baldwin, as Trustee, as aforesaid, not otherwise legal and valid except so far as regards the remedy intended to be afforded by this Act, in respect to the alien birth of the said Laurent Quetton Saint George, and of his said Heir, and of the several persons in the preamble to this Clause named.

IX. And be it further enacted by the authority aforesaid, That if the assets in the hands of the said William Warren Baldwin, as Executor of the said Laurent Quetton Saint George, shall be found insufficient to satisfy any Writ or Writs of Execution issued or any Judgment or Judgments obtained or which shall be obtained against the said William Warren Baldwin, as such Executor, in any of His Majesty's Courts in this Province, out of which a Writ of Execution against Lands and Tenements may lawfully issue then and in such case the said William Warren Baldwin, shall be personally liable to the amount of the Lands and Tenements in his hands as such Trustee, as aforesaid, at the time of the commencement of the suit or suits on which such Judgment or Judgments are or shall be obtained, as aforesaid, and such part of the said Lands and Tenements in his hands as such Trustee, as aforesaid, at the time of such Judgment, shall be liable to the said Judgment or Judgments and may be seized and taken in Execution and sold, to satisfy such Judgment or Judgments by the like process and in the same manner as if the said Judgment or Judgments were against the said William Warren Baldwin, in his own right and the said Land and Tenements his own private property.

Schedule.	Acres.
The West half of number Thirty, in the Fifth Concession, Beverly,	} One Hundred.
The rear or South half of number Fifteen, East of Talbot Road, Southwold, about,	
Part of Lot number Fifteen, in the First Concession of Flamboro' West, forming part of the Village Plot of Dundas, and called by the names of Lots numbers Nine, Ten and Eleven,	} Three.
Lots number Five, Six, Seven, Eight, and Ten, in the Second Concession Northern Division of Dorchester,	
Number Seventy-two, in Broken Front, Concession B. in the Township of Halimand,	} One Hundred.
Numbers Two, Four, and Six, in the Sixth Concession, Aldborough,	
Numbers Twenty-four in the Ninth, and Sixteen in the Sixth Concession, North Crosby,	} Four Hundred.
Number Forty-one, and East half of number Forty-two, in the First Concession, Bayside, in Marysburgh,	
	} One Hundred & Fifty.

Numbers Twenty-five and Twenty-six, in the Sixth Concession of Markham,	}	Four Hundred.
Number Twenty-six in the Third, and Twenty-one in the Sixth Concession of Scott,	}	Four Hundred.
Number Thirteen in the Seventh Concession of Pittsburgh,	}	Two Hundred.
Town Lot number Sixteen East side Pinnacle Street, Belleville,	}	One Half.
Town Lot number Three Hundred and Thirty-six New Survey, in Kingston,	}	One Fifth.
Water Lot number Six, Kingston,		One Fifth.
Number Eighteen, in the Third Concession, Pittsburgh,		Two Hundred.
North half of Twenty-two, in the First Concession of Percy,	}	One Hundred.
North West corner of the East half of number Nineteen in the Third Concession of Adolphustown,	}	One.
The Front or Northernly Three-quarters of numbers Eleven and Twelve, in the Sixth Concession of Aldborough,	}	Three Hundred.
Number Eighteen in the Tenth Concession of Caradoc,	}	Two Hundred.
North half of number Sixty-one, East side of Yonge Stree, in Whitchurch,	}	Ninety Five.
Number Fifty-six in the First Concession of Vaughan,	}	One Hun'd & fifty.
Number Twenty-two in the First Concession of Plantagenet,	}	Two Hundred.
North half of the East half of number Three, in the Second Concession of Fredericksburgh, additional,	}	Fifty.
Numbers Twenty-four and Thirty-three in the First Concession of Albion,	}	Four Hundred.
Numbers Fourteen and Eighteen in Third, ditto ditto	}	Four Hundred.
Number Thirty-two in Fifth, ditto ditto ditto	}	Four Hundred.
Number Twenty-six in the Ninth Concession of Albion.	}	Four Hundred.
Number Twenty-nine in First, ditto ditto ditto of Caledon.	}	Two Hundred.
Number Twenty-one in Sixth, ditto ditto ditto	}	Two Hundred.
Number Fifteen in Third, ditto ditto ditto Medonte.	}	Two Hundred.
Number Twelve and West half of Number Two, in the Fourth Concession of Medonte.	}	Three Hundred.

Number Fifteen and Seventeen, Fifth, ditto	ditto				} Four Hundred.
Numbers Seven and Sixteen, Sixth ditto		ditto			} Four Hundred.
Number Twenty, Seventh,	ditto	ditto	ditto		Two Hundred.
Number Eighteen, Eighth,	ditto	ditto	ditto		Two Hundred.
Numbers Seven, Eight, Nine, Eleven, Tenth ditto					} Eight Hundred.
Number Eighteen, First Concession, Orillia, South.					} Two Hundred.
Number Five, Second	ditto	ditto	ditto		Two Hundred.
Number Ten, Fourth	ditto	ditto	ditto		Two Hundred.
Number Three, Fifth	ditto	ditto	ditto		Two Hundred.
Number One and Three, First Orillia, North.	ditto				} Four Hundred.
Number Five, Fourth	ditto	ditto	ditto		Two Hundred.
Numbers Two and Five, Sixth	ditto	ditto			Four Hundred.
Numbers One and Thirteen, Eighth	ditto				Four Hundred.
Number Fourteen, Tenth	ditto	ditto	ditto		Two Hundred.
Numbers Eight, and Ten, and West half of Thirteen in the Twelfth	ditto	ditto	ditto		} Five Hundred.
Number Eleven, Sixteenth	ditto	ditto	ditto		Two Hundred.
Numbers Thirteen and Eleven, Sixth Concession of Pittsburgh,					} Four Hundred.
Number Ten, Thirteenth	ditto	ditto	ditto		Two Hundred.
Number Fifteen, Ninth	ditto	ditto	ditto		Two Hundred.
Number Eighteen, Eleventh Concession of Rawdon.					} Two Hundred.
Westerly half of Seventeen, in	ditto	ditto			One Hundred.
Number Twenty-one, Eighth Concession of Richmond.					} Two Hundred.
Number Nineteen, Tenth	ditto	of Manvers.			Two Hundred.
East halves of Twenty-nine and Thirty, in the First Concession of Mono.					} Two Hundred.