mencement of its use by Vessels as aforesaid, then and in such case the increasing surplus revenue of the said Tolls shall be charged against the said William Chisholm as so much by him received in the nature of a Sinking Fund, by means whereof to purhase from the said William Chisholm, his Heirs, and Assigns, the entire Estate, Use and Property, of the said Harbor, or with the Wharves, Piers, and other appurtenances, to and for the use of the Public in such manner and form as the Legislature of this Province may hereafter provide.

VII. And be it further enacted by the authority aforesaid, That the W. Chisholm, to aesaid William Chisholm, his Heirs, and Assigns, shall at any time, when count. so required by either branch of the Legislature, furnish a true and correct Copy, verified upon Oath, of the Imports and Exports into and out of the said Harbor, and of the Tolls and Dues levied and collected on the same, and that after the first day of January, in the year of our Lord, One thou-sand Eight hundred and Thirty-eight, the rate of Tolls to be charged 1838. the tolls may be and taken by the said William Chisholm, his Agent or Agents, at the said further regulated by Harbor on all goods Imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

VIII. And be it further enacted by the authority aforesaid, That this Act shall continue in force for the space of Fifty Years from the time of the Act to be in force for passing thereof, and from thence to the end of the then next ensuing Ses-⁵⁰ years, at the end sion of Parliament, at which time the Estate, Right, Title, Tolls and Rates, Harbour and all right of the said Harbor, together with the Piers, Wharves, Waters and Navi-^{to tolls. &c. shall vest} gation thereof, shall vest in His Majesty, His Heirs and Successors, to and for the Public use of this Province, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act of the Legislature for that purpose at any time hereafter enacted.

CHAP. XX.

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 Coun-

Preamble.

try 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 Adelc 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 W. W. Baldwia, Esq. Fourteenth Year of His Majesty's Reign, entitled, "An Act for making Laurent Quetton St. George, formerly Lieut. Colonel in the French Service, authurised and enabled to proceed in the setof the said L. Q. St George, and in the collection of debts St. George.

In trust to sell the same to the uses and purposes of the Will of the said L. Q. St. George.

Certain real Estates heretofore accepted position for debts according to the intor.

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 notwiththement of the Estate standing 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 due to his Estate, not-withstanding the alien Executor, as aforesaid, may proceed in the settlement of the said Estates birth of the said L and in the recovery of the debts remaining due thereon in like manner Q St. George, and of and but the armedian and debts hat and the terminal in the manner his heir, Henry Char and by the same remedies as debts between subject and subject within les Jeseph Quetton de this Province, may be prosecuted and recovered by Law.

II. And be it further enacted by the authority aforesaid, That all such Real Estates of the real Estates as were held or supposed, or intended to be held by the said said L. Q. St. George, Laurent Quetton Saint George, in this Province at the time of his death, W. Baldwin, accord and not again sold and conveyed by the said Laurent Quetton, or by his ing to the degree of 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, Picces, Parcels and Tracts of Land, named or noted in the Schedule to this Act annexed, were heretofore purchased or otherwise accepted by the said Executor, or taken by the said William Warren Baldwin, in consideration, satisfacin payment or com- faction or compromise, of and in security for debts due to the said Laudeclared to be held by rent Quetton Saint George, to the use of the said Laurent Quetton him in trust for the Saint George, and as belonging to his Estate and subject to such power to self the same dispositions as the said Laurent, might make or desire concerning the according to the in-tentions of the Testa, 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 belong-

ing, 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 afore-said, That all and every the conveyances so heretofore made by the said made by the said L. Laurent Quetton Saint George, shall be as valid and effectual as if he Q. Saint George, in his life time, to be rehad been a natural born subject, and that as to such Estates as well as to garded as valid as if such other Estates as have been heretofore sold and conveyed by the said he had been a natural born subject. 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 And the said Executhe said William Warren Baldwin, and his Heirs, Executors and Admi- tor, authorised to con-firm by deed, all sales nistrators, after the passing of this Act, shall have full power and autho-heretofore made by rity to give and execute, and shall and may at the requests, costs and him or by any other charges of the parties seized or possessed thereof or intended so to be the said L. Q. Saint seized or possessed, give and execute other and further assurances of the George. 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 Titles so made shall thereof, or intended so to be, as if the said Laurent Quetton Saint be as valid as if the said Testator had George, had been a natural born subject of His Majesty within this Pro-been a natural born vince, and had made and executed the Titles and such other further assu-subject, and had exe-cuted such deeds him] rances thereof himself. self.

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

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and Administrators, for or in respect of the said Estate, or any interest therein.

Remedies by action their own name and right, any action or actions, real, personal or mixed, by and against the said W. W. Baldwin, for or on account of the said Estates, for the recovery of the possession his Heirs. Executors, 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 therof, 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 he it further enacted by the authority aforesaid, That the said The said Executor to William Warren Baldwin, his Heirs, Executors and Administrators, under Turix of the heir of 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 Quettates sold under this ton 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, But not to answer for 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 prehis Heirs, Executors, mises out of his own Estate, real or personal, the one for the other, but and Administrators, each answerable for himself only and for no other for any matter or thing only for his own de- 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 cwn use and uses out of such monies and proceeds all reasonable compensation and disbursements for the services, costs, and Expenses, 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:

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be answerable to the the said Testator. for the proceeds of Es-Act.

any misapplication, &c. by the said Tutrix.

The said Executor, faults, &c.

charges, may be de-ducted and retained.

Lots Number Thirty-two, Thirty-four, and Thirty-five, in the Fourth Title of W. W. Bald-win, to certain lands Concession of the Township of Whitby, in the Home District of this Pro- conveyed to him by vince, to have and to hold the same to the use of the said William War- the said L. Q. Saint George, confirmed. ren 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 Estates of the said L. Second Clause of this Act, and some parts of those Estates referred to in ed through certain the Third Clause of this Act, and some parts of those referred to in the aliens, being Grantees Fourth Clause of this Act, have been derived from the Grant of His said firmed. 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 No other defect in alien birth and condition of the said Chevalier de Marseul, Jean Louis de any such Titles cured Chalus, Augustin Boiton, Rene Augustin de Chalus, Ambroise de Farcy, except in the alien François Bonoux and Michael Science, or and filling P Francois Renoux, and Michael Saigcon, or any of them. Provided mentioned. 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

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Provision for affording to creditors of the said Estate, satisfaction out of the real Estate vested in the said W. W. Baldwin, Esq. as Trustee.

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 caso 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 commoncement 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 Judgement, 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.

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SCHEDULE.

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ACRES.

Schedule referred to in the third Clause o this Act.	
	The rear or South half of number Fifteen, East of Talbot Road, Southwold, about, One Hundred.
	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,
	Lots number Five, Six, Seven, Eight, and Ten, in the Second Concession Northern Divsion of Dor- chester,
	Number Seventy-two, in Broken Front, Concession B. one Hundred.
	Numbers Two, Four, and Six, in the Sixth Concession, Six Hundred. Aldborough,
	Numbers Twenty-four in the Ninth, and Sixteen in the Sixth Concession, North Crosby,
	Number Forty-one, and East half of number Forty- two, in the First Concession, Bayside, in Ma- rysburgh,

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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,			
Number Thirteen in the Seventh Concession of Pitts- burgh, Two Hundred			
Town Lot number Sixteen East side Pinnacle Street, Belleville,			
Town Lot number Three Hundred and Thirty-six, Sone Fifth. New Survey, in Kingston,			
Water Lot number Six, Kingston, One Fifth.			
Nunmber Eighteen, in the Third Concession, Pittsburgh, Two Hundred.			
North half of Twenty-two, in the First Concession of Percy, One Hnndred.			
North West corner of the East half of number Nine- teen in the Third Concession of Adolphustown, Sone.			
The Front or Northerly Three-quarters of numbers Eleven and Twelve, in the Sixth Concession of Aldborough,			
Number Eighteen in the Tenth Concession of Caradoc, Two Hundred.			
North half of number Sixty-one, East side of Yonge Street, in Whitchurch,			
Number Fifty-six in the First Concession of Vaughan, One Hun'd & fifty			
Number Twenty-two in the First Concession of Plan- tagenet, Two Hundred.			
North half of the East half of number Three in the Second Concession of Fredericksburgh, addi- tional,			
Numbers Twenty-four and Thirty-three in the First Concession of Albion,			
Numbers Fourteen and Eighteen in Third, ditto ditto Four Hundred.			
Number Thirty-two in Fifth, ditto ditto Two Hundred.			
Number Twenty-five in Sixth, ditto ditto ditto Two Hundred.			

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

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