

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1837. York: Robert Stanton, 1837.

7 William IV – Chapter 37

**An Act to appoint Trustees to carry into effect the provision of the Will of John White, Esquire, deceased. Passed 4th March, 1837.**

Whereas John White, in his life time of the Town of York, in the Home District, and Province of Upper Canada, Esquire, deceased, in and by a Codicil to his last Will and Testament, duly executed according to Law, for the passing of Real Estate, and bearing date the second day of January, in the year of our Lord One Thousand Eight Hundred, did, among other things, give and devise unto the Honorable Peter Russell, his Executor in the said Will named and appointed, certain Real Estate, situated in the Home District aforesaid, in trust, for the disposal and sale thereof, and the monies arising therefrom to dispose of for the payment of his just Debts: And whereas the said John White departed this life soon after making the said Will and Codicil, without revoking or altering the same: And whereas the said Peter Russell also afterwards died, without disposing of the said Real Estate, or paying the Debts for the satisfaction whereof the said Devise was made: And whereas there is no Heir of the said Peter Russell residing or known in this Province, by whom the trust aforesaid can be carried into effect; and it is just and reasonable that the said Real Estate should be vested in another Trustee, or in other Trustees, for the purpose of carrying into effect the provisions of the said Codicil: 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 from and after the passing of this Act, all the Real Estate devised by the said John White, to the said Peter Russell, upon the trusts aforesaid, and not heretofore alienated by the said Trustee, or his Heirs, shall henceforth vest in William Henry Draper, of the City of Toronto, Esquire, and Clarke Gamble, of the same place, Esquire, and their Heirs, or the Heirs of the Survivor of them, saving the right of His Majesty, His Heirs and Successors, and of all and every other person and persons, other than the said John White, and the said Peter Russell, and their respective Heirs, in trust, to dispose of the same, and out of the monies arising from the sale thereof, to pay the just debts of the said John White, still remaining due and unpaid, and the residue of the monies arising from such sale or sales to pay over to such person or persons as shall be by law entitled thereto, deducting all necessary expenses.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the person or persons in whom the title to any Lands shall become vested, as Trustee or Trustees, under this Act, to sue for and recover damages for any waste or injury committed heretofore, or that may be hereafter committed upon such Lands, in the same manner as the said Peter Russell could or might do if he were living.