

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 197

An Act to appoint Trustees to the estate of the late Charles Bowman. Assented to 27th May, 1857.

Whereas Robert Taylor Raynes, Captain in the Twenty-Third Royal Welsh Fusiliers, and Elizabeth Raynes his wife, daughter of the late Charles Bowman, formerly of the City of Montreal, merchant, deceased, and Henry Starnes, of the City of Montreal, Esquire, and the Honorable John Simpson, of Bowmanville, in the County of Durham, guardians of Victoria Sophia Bowman, also a daughter of the said Charles Bowman, an infant under the age of twenty-one years, have presented their petition stating amongst other things that the said Charles Bowman departed, this life on or about the fifteenth day of January, in the year of Our Lord one thousand eight hundred and forty-eight, seized in fee of considerable real estate lying within Upper Canada, and having first made and published his last Will and Testament executed according to law so as to pass real estate by devise within Upper Canada, and which said last Will and Testament bears date on the twenty-seventh day of September, in the year of Our Lord one thousand eight hundred and forty-seven, by which will the said Charles Bowman limited the real estate aforesaid to certain of his children therein named without any power to sell or alienate the same; That the said Charles Bowman had, during his lifetime, sold certain lands in Upper Canada to different persons but had made no sufficient conveyances thereof and had given no one power by his said Will to make such conveyances; That a large tract of land so devised by the Will of the said Charles Bowman lies in the Village of Bowmanville, and it is essential for the wants of the Village and it would be beneficial to the devisees of the same, if power were given to some trustworthy persons to sell and convey a portion thereof and invest the proceeds of such sales for the benefit of those entitled to take under the said Will; and that some lands in Upper Canada, without the Village of Bowmanville, should be sold for the benefit of the said devisees; And whereas it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Henry Starnes, of the City of Montreal, Esquire, the Honorable John Simpson, of Bowmanville, in the County of Durham, John Burk, of the same place, merchant, and Robert Armour, of the same place, Esquire, and the survivors and survivor of them and their successors to be appointed as hereinafter mentioned, are and is hereby declared to be Trustees for the said Robert Taylor Raynes and Elizabeth Raynes, his wife and their children, and the said Victoria Sophia Bowman, of their portion of the said estate of the late Charles Bowman for the following purposes and no other, namely:

1st. To make good and sufficient conveyances of such lands of the said Charles Bowman as were sold during the lifetime of the said Charles Bowman, and for which no conveyances were given, to such person or persons as are legally entitled thereto, their heirs and assigns for ever:

2nd. To sell and dispose of all the lands left by the said Charles Bowman in Upper Canada, other than the lands in, Bowmanville, and not more than fifty acres of such lands as lie in the Village of Bowmanville, of such parts or portions thereof as to the said Trustees jointly shall seem best, (except

the mills and appurtenances thereto pertaining, together with at least ten acres required for the use of the said mills, which shall in no case be sold,) and to give proper conveyances thereof (provided that no sale shall be made by auction and not more than half an acre shall be sold to any one person, and that no sale by the said Trustees to any one of themselves shall in any case be good,) and to receive the consideration money for such sales, and in case of sales on time, to take mortgages and invest the consideration money in good and sufficient securities until the parties entitled thereto shall be of legal age.

3rd. To hold all such moneys as have arisen or shall arise from any sale or sales made by the said Charles Bowman in his lifetime, or by the said Trustees herein mentioned, under this Act, to and for the uses and purposes of the said Will, and for the benefit and advantage of the devisees entitled to the said lands thereunder.

II. At any time or times hereafter, in every case of the decease, incapacity or unwillingness to act or resignation of any of the Trustees respectively appointed by this Act, it shall be lawful to and for the Judge of the County Court of the United Counties of Northumberland and Durham, or one of the Judges of one of the Superior Courts at Toronto, on the written application of the devisees or a majority of them, or his or her guardians, to appoint and substitute a new Trustee or Trustees respectively in the room and place of such Trustee or Trustees respectively so dying or becoming unable or unwilling to act or resigning as aforesaid, the said Judge to appoint by writing under his hand the person or persons named by the said devisees or the majority of them, by themselves or their guardian or guardians, and such new Trustee or Trustees so appointed shall have the same powers for all purposes whatsoever in the matters of their respective trusts as if expressly named and appointed in and by this Act.

III. This Act shall be deemed a Public Act.