

valid in other Suits in all Courts of Law or Equity in Upper Canada.

of Canada heretofore Upper Canada, for the examination of Witnesses for the proof of the Heirship of the said Isabella Farrell to the said Alexander Wood, deceased, and her consequent right to inherit the Real Estate of which said Alexander Wood died possessed in Upper Canada, and which shall have been or shall be hereafter returned to the said Courts of Queen's Bench, or Common Pleas, or High Court of Chancery, in any such Cause in which it or they shall have been so issued, and shall have been considered by any of the said Courts to afford good, proper and sufficient evidence of the Heirship of said Isabella Farrell, and right and title to the said Real Estate in Upper Canada, which said Alexander Wood died possessed of, according to the Laws in that behalf, shall be deemed and taken to be, in any Court of Law or Equity or any Judicial Proceeding in Upper Canada a Commission or Commissions issued in and for any Cause, Suit or Proceeding whatever, which may be hereafter had or commenced in any such Court of Law or Equity, or in any Judicial Proceeding, and in which proof of the Heirship of said Isabella Farrell, or her right or title to inherit the Real Property of which said Alexander Wood died possessed in Upper Canada, shall be required in the same manner and with the same effect as if the same had been issued, returned and opened in the particular Cause, Suit or Proceeding in which it or they may be so required or used as aforesaid.

Defendant may obtain the issue of a new Commission, &c.

II. And be it enacted, That it shall and may be lawful for any defendant or defendants in any Action or Actions in any Court of Law or Equity, or any Judicial Proceeding in Upper Canada, in which it may be necessary to give evidence of the Heirship of the said Isabella Farrell to the said Alexander Wood, deceased, to apply to the said Court in which any such Action may be brought upon Affidavit shewing good cause for the same of any matter tending to invalidate the Claim of the said Isabella Farrell to inherit any of said Real Estate, for a Commission or Commissions to examine Witnesses in reference thereto; and upon such Commission or Commissions being granted to the said defendant or defendants, no proceedings shall be had under the first section of this Act upon any Commission or Commissions taken and returned as therein mentioned, but such Action or Actions shall proceed as if this Act had never been in force: Provided always, that such defendant or defendants shall proceed upon the Order granting any such Commission or Commissions within one month after such Order shall be made.

Proviso.

C A P . C L X I X .

An Act to enable Caira Robbins Wilkes, the wife of George Samuel Wilkes, of Brantford, Esquire, to convey by herself certain Real Estate devised to her by her late father.

[30th August, 1851.]

Preamble.

WHEREAS George Samuel Wilkes, of the Town of Brantford, in the County of Wentworth, and Caira Robbins, his wife, have presented their Petition to the Legislature, setting forth that she, before her marriage, held an Undivided Estate in Fee, as tenant in common with her two sisters and one brother, in certain lands, and an Undivided Interest in Moneys secured upon Real Estate, and of certain Personal Property in the Province of Canada, as Devisee of her father Richard Wilkins, and that before their marriage, which took place in the year one thousand eight hundred and forty-three, she, by way of Marriage Settlement, conveyed her Estate and Interest in the said property, both real and personal, to Maria Wilkins and John Mittleberger as Trustees, to the use of herself for life, and afterwards, to the use of the issue of their marriage, and in the event of their being no such issue, then to herself in Fee Simple; and that partition of the said property has recently been made between the tenants in common thereof, whereby a number of Town Lots, and about Eighty-eight Acres of other Land, in the Town of Brantford, besides some other Real Estate and Personal Property of comparatively small value, fell to her; that the Petitioners have not had any issue, but that the property would be of comparatively little value to them, without power to such Trustees of disposing of the same, and praying that an Act might be passed for such purpose:

Be

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Judge of the County Court for the United Counties of Wentworth and Halton, and he is hereby required, upon the Petition of the said Caira Robbins Wilkes, to appoint a Trustee in addition to the number provided by the said Marriage Settlement, in whom and the said other Trustees and their Successors, to be appointed as provided by the said Settlement, the said property, both real and personal, shall be vested upon the trusts mentioned in the said Settlement and those hereinafter mentioned; and as often as any Trustee, so to be appointed by the said Judge, may die, refuse to act, or become incapable of acting, such vacancy shall be supplied by the said Judge in the manner aforesaid.

Caira R. Wilkes empowered to dispose of the said estate, &c.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, or any two of them, during the life of the said Caira Robbins Wilkes, and they are hereby required at her request in writing, to exchange or sell and convey any part of the said Real Property: Provided that the property taken in exchange shall be held by them upon the said trusts, and the purchase money or consideration of such sales, as well as the said other personal property or the principal moneys to be obtained therefrom, shall be invested by the said Trustees, or any two of them, in buildings or improvements on some of the remainder of the said Real Estate, or upon the Land so taken in exchange, or in Government or Municipal Debentures, or Stocks of Incorporated Companies, or in Securities upon Real Estate as required by the said Caira Robbins Wilkes, the rents and use of the said buildings and improvements to belong, and the interest upon such investments to be held, by the said Trustees upon the trusts mentioned in the said Settlement.

Trustees may sell, &c., property, in a certain case.

Proviso.

III. Provided further, and be it enacted, That all actions to be brought upon any Security for Money so set apart as aforesaid, not in their nature negotiable, shall be brought in the name of the legal personal representatives of the said Richard Wilkins, but that the receipts and acquittances for the said moneys, by the said Trustees or any two of them, shall be legal discharges to the debtor: And Provided also, that the liabilities of the said Trustees shall not be greater than that mentioned in the said Settlement.

Certain actions how brought.

Receipts. Proviso.

C A P. C L X X .

An Act to reverse the Attainder of Aaron Stevens, and avoid the Forfeiture of certain of his Estates, and for other purposes therein mentioned.

[30th August, 1851.]

(Signed,)

ELGIN AND KINCARDINE.

WHEREAS Aaron Stevens, in his lifetime of the Township of Niagara, in the County of Lincoln, in Upper Canada, yeoman, having been lawfully convicted and attainted of High Treason by him committed, did, in the year of Our Lord, one thousand eight hundred and fourteen, suffer capital punishment for his said crime; And whereas by the said Attainder, and the corruption of blood wrought thereby, the Estates and Property, real and personal, of the said Aaron Stevens, became forfeited, and were in part taken upon inquisition found in that behalf, and seized into the Hands of the Crown accordingly; And whereas a portion of the Estates of the said Aaron Stevens was not found, upon such inquisition, or declared forfeited by reason of his said Attainder and conviction as aforesaid, or seized into the Hands of the Crown as aforesaid; and the Queen's Most Excellent Majesty having been graciously pleased, through His

Preamble.

Excellency