

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 169

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.

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 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.

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.

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.