

*Laws of Her Majesty's Province of United Canada*, passed in the year 1852. Quebec: Stewart Derbshire and George Desbarts, 1852.

16 Victoria – Chapter 266

**An Act for the Relief of the Heirs and Devisees of the late Samuel Ryerse. Assented to 14th June, 1853.**

Whereas Samuel Ryerse, of the Township of Woodhouse, in the County of Norfolk, in Upper Canada, deceased, in and by his last Will, bearing date on or about the twentieth day of May in the year of our Lord one thousand eight hundred and twelve, devised certain lands in the said Township of Wood house, to his sons George Joseph, and Edward Powers, and to his daughter Amelia, for their lives, respectively, with certain limitations to their youngest sons and children, respectively; And whereas the said Devisees, George Joseph Ryerse, Edward Powers Ryerse, and Amelia Harris, (formerly Amelia Ryerse) have petitioned Parliament for power to them the said George Joseph Ryerse and Edward Powers Ryerse, respectively, to convey in fee simple certain parts or portions of the Estate so devised to them as aforesaid, for the purpose of improving the Harbour at Port Ryerse, and securing the erection of a Town in the vicinity thereof; And whereas it would be to the advantage of the said Estate, and of the persons who may now be or may hereafter become interested therein, under the Will of the said Samuel Ryerse, that such power should be granted under certain restrictions and limitations hereinafter mentioned: 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 from and after the passing of this Act, it shall and may be lawful for the said George Joseph Ryerse and Edward Powers Ryerse, respectively, to grant and convey to any person or party for any Estate, all or any part or portion of the parts of Lots Numbers Two and Three in the broken front tier of lots in the said Township of Woodhouse, which are mentioned and described in the Schedules marked A and B of this Act, as fully and effectually to all intents and purposes, as if the said Samuel Ryerse had devised the same by the said Will to the said George Joseph Ryerse and Edward Powers Ryerse, respectively, in trust to sell and invest the proceeds of the same for their benefit during their natural lives, and thereafter for the benefit of the persons so entitled to the said devised Estate according to the terms of the said Will; and every deed or conveyance made and executed by the said George Joseph Ryerse or Edward Powers Ryerse, of or concerning any part of the said portions of the said Lots, shall be valid in Law and Equity, as against every person who under the said Will of Samuel Ryerse may have or claim or might have or claim any Estate or interest therein: Provided always, that the receipt and discharge by the said George Joseph Ryerse and Edward Powers Ryerse, respectively, as the case may be, of the purchase money or any part thereof of the said described portions shall be a discharge to the purchasers, and the said purchasers shall not be bound to see to the application of the said purchase money paid upon such receipt.

II. And be it enacted, That no such grant and conveyance shall be made until the value of the said described portions of the said lots shall have been ascertained and determined by award on the oath of three Arbitrators or a majority of them, to be appointed by the Judge of the County Court for the County hi which the said lots are situate, which said value shall be so ascertained, due regard being had to the improvements and situation of the said described portions to be valued as aforesaid; and the said award shall be registered in the Registry Office of the said County for reference thereto, and the value therein contained, shall be to all intents and purposes held and considered to be the actual value of the portions aforesaid.

III. And be it enacted, That the said George Joseph Ryerse and Edward Powers Ryerse, shall be held and taken to be Trustees for the sale and conveyance of the said portions, and shall, as such Trustees, be held and bound to invest the said value in Public Provincial Securities, bearing interest at not less than six per cent, which said investment shall be substituted for and shall to all intents and purposes, stand in the place of the said portions of land, and be subject to the provisions of the said Will in the use and final disposition thereof, as the said portions represented thereby: and the said Trustees shall be held and liable in the premises as fully and effectually as if they had been in fact appointed Trustees as aforesaid, under the said Will.

IV. And be it enacted, That this Act shall be deemed a Public Act.

#### Schedule A.

The following is a description of that portion of Lot Number Two in the Township of Woodhouse, in the County of Norfolk, in Upper Canada, devised to George Joseph Ryerse, which he is by this Act empowered to convey in fee simple, to wit:

“All that part of Lot number Two in the broken front tier of lots in the said Township of Woodhouse, containing by admeasurement forty-five acres, be the same more or less, which said parcel of land is bounded as follows, that is to say: commencing at a stone boundary set in the side-line between Lots Numbers Two and Three, in the said broken front tier of lots near the foot of the hill in the rear of the garden premises of Edward P. Ryerse and on the westerly side of the main travelled road leading from the Town of Simcoe to Port Ryerse; thence south thirty-four degrees and thirty-five minutes west, four chains and ninety-two links to a stone set where an elm tree boundary formerly stood: thence south twenty-five degrees and twenty- five minutes east, six chains and thirty links to a bounded chesnut tree standing in front of the grist mill of G. J. Ryerse; thence south twenty-nine degrees and twenty minutes west, two chains and fifty-seven links to the centre of the waters of Young’s Creek; thence following the centre of the said Creek down stream, the several turnings thereof, seven chains and seventy-two links; thence south twenty degrees and twenty-five minutes east, passing over two stone boundaries set, the one near the southerly side of Young’s Creek, the other near the brow of the high bank of Lake Erie, seven chains and fifty links, more or less, to the water’s edge of Lake Erie; thence following up the water’s edge of Lake Erie twelve chains, or be the distance more to in line with a stone boundary set to the top of the high bank of Lake Erie, (the said stone boundary being set at the distance of twelve chains, measured at right angles from the stone boundary set on the brow of the high bank

as aforesaid); thence north fifteen degrees and forty minutes west, twenty-five chains and fifty links, more or less, to the southerly side of the waters of the mill pond of the said George J. Ryerse; thence following the southerly edge of the waters of the said mill pond at high water mark as aforesaid, the several windings thereof, be the distance more or less, to the head of the said mill pond at high water mark; thence following down the northerly side of the said mill pond at high water mark, down stream, the several windings thereof, be the distance, more or less, to the mouth of the most easterly ravine putting into the northerly side of the said mill pond; thence following the centre of the said ravine in a north-easterly direction sixteen chains and eighty-five links, more or less, to a small bounded hickory tree; thence north seventy-three degrees and twenty minutes east, passing through a large size chesnut tree, seven chains and twenty-five links to the side-line between said Lots Numbers two and three; and thence south fifteen degrees and forty minutes east, twenty-one chains and thirty-one links to the place of beginning.”

#### Schedule B.

The following is a description of that portion of Lots Two and Three in the Township of Woodhouse, in the County of Norfolk, in Upper Canada, devised to Edward Powers Ryerse, which he is by this Act empowered to convey in fee simple, to wit:

“All that part of Lot Number Two, and also that part of Lot Number Three in the broken front tier of lots in the Township of Woodhouse aforesaid, containing by admeasurement seventy acres, be the same more or less, which said parts of Lots Two and Three are butted and bounded, and may be described as follows, that is to say: commencing at the edge of Lake Erie in the limit between Lots Numbers Two and Three in the broken front tier of lots in the Township of Woodhouse; thence north twenty degrees and twenty-five minutes west, passing over two stone boundaries set, the one near the brow of the high bank of Lake Erie, and the other near the southerly side of Young’s Creek seven chains and fifty links, more or less, to the middle of the said Creek; thence in the middle thereof, following the several turnings thereof, seven chains and seventy-two links; thence north twenty-nine degrees and twenty minutes east, two chains and fifty-seven links to a bounded chesnut tree, standing in front of the grist mill of George Joseph Ryerse; thence north twenty-five degrees, twenty-five minutes west, six chains and thirty links to a stone set where an elm tree boundary formerly stood; thence north thirty-four degrees and thirty-five minutes east, four chains and ninety-two links to a stone boundary set in the side-line between Lots Numbers Two and Three near the foot of the hill in rear of the garden premises of Edward Powers Ryerse, and on the westerly side of the main travelled road from the Town of Simcoe to Port Ryerse; thence along the side-line between the said Lots Numbers Two and Three, north fifteen degrees and forty minutes west, twenty-one chains and thirty-one links; thence north seventy-four degrees, twenty minutes east, fourteen chains ninety links, more or less, to the middle of the breadth of the aforesaid Lot Number Three; thence south fifteen degrees forty minutes east, forty chains, twenty links, more or less, to the water’s edge of Lake Erie; thence westerly along the water’s edge to the place of beginning.”