

then, and in any or either of the Cases aforesaid, at such and in any lawful for the Bishop of *Quebec* for the Time being on behalf of the said Protestant Clergy, in compliance with any Requisition in Writing to him for that Purpose made by such Governor, Lieutenant Governor, or other Person administering the Government of the said Province, and he is hereby required, by a Deed under his Hand and Seal, duly attested by Two or more credible Witnesses, to surrender, yield up, and convey to His Majesty, His Heirs and Successors, the Lands comprized and described in any such Requisition as aforesaid, in Exchange for other Lands situate in the said Province, of equal Extent and Value, to be by His Majesty appropriated and set apart for the Support and Maintenance of Protestant Clergy therein, and which Deed, so executed by the said Bishop of *Quebec* for the Time being, shall be valid and effectual in Law, to vest in His Majesty, His Heirs and Successors, all the Lands therein included and comprized, and so, the Lands said and may, by His Majesty, His Heirs and Successors, be assigned and re-conveyed to any other Person or Persons, for quieting their Possession and Titles, or otherwise, as may from Time to Time be expedient or necessary, without any further Appropriation of Land being thereupon made for the Benefit of a Protestant Clergy.

B I L L

RELATIVE

An Act for the better Regulation of the Administration of Justice and Settlement of Rights and Burthens on Lands held in Fee, and a Provision for the better Regulation of the Province of *Quebec*. And for the greater Convenience of those Estates who the Province of *Quebec* and Common Sweeps, and for other Purposes relating to the said Province.

(118.)

Ordered to be printed in May 1845.



A

B I L L

INTRODUCED

An Act to provide for the Extinction of Feudal and Seignioral Rights and Burthens on Lands held *a Titre de Fief* and *a Titre de Cens*, in the Province of *Lower Canada*; and for the gradual Conversion of those Tenures into the Tenure of Free and Common Soccage; and for other Purposes relating to the said Province.

Notes—The Contents of the Bill are given in the Number of Papers in the Journals.

WHEREAS in and by an Act passed in the Third Year of His Majesty's Reign, entitled *An Act to amend the Trade of the Parliaments of Lower and Upper Canada, and for other Purposes relating to the said Provinces*, certain Provisions were made for a Change of the Tenure of Lands held in Fief and Seigniorly, and also for the Change of the Tenure of Lands held at *Grand Fief* in the Colonies of His Majesty, in the Provinces of *Lower and Upper Canada*; And whereas the said Provisions, in so far as they relate to the Change of Tenure of Lands in Fief and Seigniorly, cannot, in the said Province of *Lower Canada*, receive Execution where such Lands or Parts thereof have, under Grants of the Seigniors, become the Property of Persons who hold the same *a Titre de Fief ou de Cens*;

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Notwithstanding the above, we do hereby certify, That nothing herein-
before contained shall be construed to extend to discharge
any Person from the Payment of any Dues, or Birthens, or other Feudal
Rights, which may have accrued before such Commutation, and which may have been required by any *Constituti-
on, Custom, or Law*, which shall hereafter be made, subject the Recourse
whenever such Person shall come to the *Arms, Lands, or Feodes*
of the Kingdom, or to any other Right, Interest, Security, Charge, or
Benefit, which shall hereafter be made, but not been made.

And we do hereby certify, and be it further enacted, That in all
Cases where an Application for a Commutation, Release, and Extingu-
ishment of Feudal or Seigniorial Rights, Dues, or Birthens shall
be made in respect of Feods held either immediately of the Crown,
or of an *Lord, Lady, or Lord*, and public Notice thereof shall be
given by the Person so applying, for the Space of Three Calendar
Months in the *Queen's Gazette*, published by Authority, and in Two
other Newspapers published respectively in the Cities of *London* and
Manchester, and by such other Persons who may have or claim to
have any present or prospective Right, Interest, Security, Charge, or
Benefit, which shall hereafter be made, *Heipth* general or special,
express or implied, or under any other Title, or by any other Means
whatsoever, in or upon the Lands in respect of which such Commu-
tation, Release, and Extinguishment of Feudal and Seigniorial Rights,
Dues, or Birthens, shall be so applied for, to signify in Writing, within
Three Calendar Months from the Date of such Notification, their
Assent

Return of Persons to be appointed for that Purpose by the said
 Commissioner or Commissioners, and returned and exhibited before
 the said Inquest, shall be good and sufficient Evidence of the Matters
 avowed in such Information, and the said Commissioner or Com-
 missioners shall duly return the Inquisitions which he or they shall
 from Time to Time take by virtue of this Act, under his or their
 Seals, and the Seals of those by whose Oaths he or they shall have
 taken the same, into the Office of the Secretary of the Province within 22
 Thirty Days after the taking thereof, and also within the same Time
 return a Transcript thereof, and of the whole Proceedings relating to
 the same, into the Supreme Court of Original Jurisdiction, holding Civil
 Business in the District in which the Lands and Premises comprised in the
 Information shall be situate, and thereupon such Lands and Premises
 as are thereby found to be forfeited to His Majesty for Nonper-
 formance of any of the Conditions on which the same shall have been
 granted, shall be and they are hereby declared to be re-vested in
 His Majesty, His Heirs and Successors, any former Grant or Letters
 Patent thereto notwithstanding. Provided always, that no new Grant
 of such Lands shall be made for the Space of One Year from the
 Date of such Inquisition, except to the Person or Persons holding
 or claiming the same under the former Letters Patent thereof, or by
 a legal Title derived under the same.

And be it further enacted, That the Clerk of the said Court of
 Escheats and Forfeitures, to be appointed in like Manner as the said
 Commissioner or Commissioners, shall, within eight ten Days after the
 filing of such Information, insert in the *Quebec Gazette*, published 23
 by Authority, a Notice signed by him, and shall, as soon thereafter
 as may be, cause the same to be posted upon a public Place as near
 to the Lands mentioned in the said Information as Circumstances
 will admit, thereby notifying to all Persons interested in such Lands
 that such Information has been filed for the Purposes aforesaid, and
 of the Time and Place of holding an Inquest or Office before the said
 Commissioner or Commissioners, concerning the Matters therein al-
 leged, which Time shall not exceed Four or be less than Two Calen-
 dar Months from the publishing of such Notice, and such Notice, being
 so published, and Proof thereof made to the Satisfaction of the said
 Commissioner or Commissioners, shall be instead of all other Notice,
 Process, Writ, Summons, or other Proceeding whatever, for the Notifi-
 cation and Appearance of the Person or Persons interested in such Lands,
 and shall conclude all such Persons for ever, provided, that it shall
 be lawful for all Persons interested in or entitled to such Lands as
 are comprised in any Office or Inquisition so made and returned as 24
 aforesaid,

abovesaid, to traverse the same in the Court into which it shall have been returned within Three Calendar Months from the Date thereof, and the Notice herein-before required, and the Inquisition so to be taken in pursuance thereof shall be deemed sufficient and conclusive Notice to the Traverser, and all others concerned in such Traverse, and such Court shall thereupon hear, try, and determine the said Traverse, as nearly as Circumstances will admit, according to the Rules, Course, and Practice of the Law of *England* in the like Cases, and the Judgment of the said Court thereon shall be final.

And whereas divers Persons within the said Province of *Lower Canada* hold or claim by Occupancy, lawful Prescription, or Transfer, or by doubtful Titles, divers of the Lands which, in pursuance of the Act of Parliament made in the Thirty-first Year of the Reign of His said late Majesty King *George* the Third, have been appropriated within the said Province of *Lower Canada* for the Maintenance of a Protestant Clergy. And whereas divers Parts of the Lands so appropriated as abovesaid for the Support of a Protestant Clergy, are from Time to Time required as the Site of public Buildings and other Works carried on at the public Expence within the said Province. And whereas divers Parts of such appropriated Lands as abovesaid, which have not been brought into Cultivation by or for the Benefit of the Protestant Clergy within the said Province, are sometimes required to enable His Majesty to complete the Settlement of other Waste Lands in the immediate Vicinity thereof, but by reason of the said Land being so appropriated as abovesaid, it is impossible, except by the Consent of Parliament, to part the Possession of such Persons so claiming the same by such Titles as abovesaid, or to obtain a Surrender and Conveyance, or to effect an Exchange of such Parts thereof as may be so required as abovesaid for the public Service, or for the Completion of any such Settlements as abovesaid, be it therefore enacted, That whenever and so often as it shall appear to the Governor, Lieutenant Governor, or other Person administering the Government of the said Province, that the Surrender and Cession of any Part of the Lands so appropriated as abovesaid for the Benefit of a Protestant Clergy in the said Province, is necessary for granting the Titles of any of His Majesty's Subjects to Lands held or claimed by them by Occupancy, lawful Prescription, Transfer, or by doubtful Titles as abovesaid, or is necessary or would be convenient for the carrying on of any public Buildings or Works, or for the more effectual Settlement of any District or Tract of Land within the said Province, or otherwise, for His Majesty's Service, or for the Benefit of the said Province, or of His Majesty's Subjects therein resident,

Certain Parts of the Clergy Reserves in the said Province may be surrendered, exchanged, and conveyed in, for, or to, any other Persons, Law and Equity.

them; and in any or either of the Cases aforesaid, it shall and may be lawful for the Bishop of *Quebec* for the Time being, on behalf of the said Protestant Clergy, in compliance with any Requisition in Writing to him for that Purpose made by such Governor, Lieutenant Governor, or other Person administering the Government of the said Province, and he is hereby required, by a Deed under his Hand and Seal, duly attested by Two or more credible Witnesses, to surrender, yield up, and convey to His Majesty, His Heirs and Successors, the Lands comprized and described in any such Requisition as aforesaid, in Exchange for other Lands situate in the said Province, of equal Extent and Value, to be by His Majesty appropriated and set apart for the Support and Maintenance of Protestant Clergy therein; and which Deed, so executed by the said Bishop of *Quebec* for the Time being, shall be valid and effectual in Law, to vest in His Majesty, His Heirs and Successors, in the Lands therein included and comprized, and such Lands shall and may, by His Majesty, His Heirs and Successors, be re-granted and conveyed to any other Person or Persons, for quieting their Possession and Titles, or otherwise, as may from Time to Time be expedient or necessary, without any further Appropriation of Land being thereupon made for the Benefit of a Protestant Clergy.

A
 B I L L

INTROD

An Act for the better Regulation of the Extinction of Feudal and Seigneurial Rights and Hereditary Lands held by *Les Seigneurs* and *Les Proprietaires* in the Province of *Quebec*; and for the gradual conversion of those Feudal Rights into the Tenure of Fee, and common Sewage; and for other Purposes relating to the said Province.

(1854)

M. J. B. G. M. J. B. G.