

ANNO SEXTO

GEORGII IV. REGIS.

CAP. LIX.

An Act to provide for the Extinction of Feudal and Seignioral Rights and Burthens on Lands held *à Titre de Fief* and *à 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.

[22d *June* 1825.]

WHEREAS in and by an Act passed in the Third Year of His Majesty's Reign, intituled *An Act to regulate the Trade of the Provinces 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 Seigniory, and also for the Change of the Tenure of Lands held at *Cens et Rentes*, in the *Censive* 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 Seigniory, 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 *à Titre de Fief*, in *Arriere* 3 G. 4. c. 119.

Arriere Fief, or *à Titre de Cens*; and further Provision in this Behalf is necessary: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Person or Persons, holding of His Majesty as Proprietor or Proprietors any Fief or Seigniory in the said Province of *Lower Canada*, and having legally the Power of alienating the same, in which Fief or Seigniory Lands have been granted and are held *à Titre de Fief*, in *Arriere Fief*, or *à Titre de Cens*, shall by Petition to the King, through the Governor, Lieutenant Governor, or Person administering the Government of the said Province, apply for a Commutation of and Release from the *Droit de Quint*, the *Droit de Relief*, or other Feudal Burthens due to His Majesty on such Fief or Seigniory, and shall surrender into the Hands of His Majesty, His Heirs or Successors, all such Parts and Parcels of such Fief or Seigniory as shall remain and be in his Possession ungranted, and shall not be held as aforesaid *à Titre de Fief*, in *Arriere Fief*, or *à Titre de Cens*, it shall and may be lawful for His Majesty, or for such Governor, Lieutenant Governor, or Person administering the Government as aforesaid, in pursuance of His Majesty's Instructions transmitted through One of His Principal Secretaries of State, by and with the Advice of the executive Council of the said Province, to commute the *Droit de Quint*, the *Droit de Relief*, and all other Feudal Rights and Burthens due to His Majesty upon or in respect of such Fief or Seigniory, for such Sum of Money or Consideration, and upon such Terms and Conditions, as to His Majesty, or to such Governor, Lieutenant Governor, or Person administering the Government as aforesaid, in pursuance of such Instructions, and by and with such Advice as aforesaid, shall appear meet and expedient; and thereupon to release the Person or Persons so applying, his, her, and their Heirs and Assigns, and all and every the Lands comprized in such Fief or Seigniory, from the said *Droit de Quint*, *Droit de Relief*, and all other Feudal Burthens due or to grow due thereupon to His Majesty, His Heirs or Successors, of whatsoever Nature or Kind, for ever; and to cause a fresh Grant to be made to the Person or Persons so applying, of all such Parts and Parcels of such Fief or Seigniory as shall as aforesaid remain and be in his, her, or their Possession ungranted, and which shall not be held *à Titre de Fief*, in *Arriere Fief* as aforesaid, or *à Titre de Cens*, to be thenceforward holden in Free and Common Soccage, in like Manner as Lands are now holden in Free and Common Soccage in that Part of *Great Britain* called *England*, without its being necessary for the Validity of such Grant, that any Allotment or Appropriation of Lands for the Support and Maintenance of a Protestant Clergy should be therein made; any Law or Statute to the contrary thereof notwithstanding.

Persons holding Fiefs or Seigniories may, on Application to His Majesty, and on Surrender of the ungranted Parts thereof, obtain a Commutation and Release of Feudal Burthens due to His Majesty thereon.

Such Fief or Seigniory may be regranted to the Proprietor in Free and Common Soccage.

II. Provided always, and be it further enacted, That where such fresh Grant as aforesaid shall be made, nothing in this Act contained shall extend or be construed to extend to take away, diminish, alter, or in any Manner or Way affect the Feudal, Seigniorial, or other Rights of the Seignior or Person in whose Favour such Grant shall be made, upon and in respect of all and every the Lands held of him

Feudal and Seignioral Rights on the granted Parts of such Seigniory not to be affected, until a Com-

him *à Titre de Cens* or *à Titre de Fief*, in *Arriere Fief* as aforesaid, making Part of his, her, or their Fief or Seigniory, on which a Commutation of the *Droit de Quint*, or *Droit de Relief*, shall have been obtained as aforesaid; but that all and every such Feudal, Seigniorial, and other Rights shall continue and remain in full force upon and in respect of such Lands so held *à Titre de Fief*, in *Arriere Fief* as aforesaid, or *à Titre de Cens*, and the Proprietors and Holders of the same, as if such Commutation or Grant had not been made, until a Commutation, Release, and Extinguishment thereof shall have been obtained in the Manner herein-after mentioned.

mutation thereof shall be obtained as herein after provided.

III. And be it further enacted, That in all Cases where any Seignior or Seigniors, or Person or Persons holding Lands *à Titre de Fief* in the said Province of *Lower Canada*, shall by reason or means of a Commutation with His Majesty, or of a Surrender of his, her, or their Fief or Seigniory, or any Part thereof, to His Majesty, or by reason or means of a Commutation with his or their immediate superior Lord or Seignior, or otherwise howsoever, have obtained or shall or may hereafter obtain, for himself, herself, or themselves, his, her, or their Heirs or Assigns, from His Majesty, or from the Governor, Lieutenant Governor, or Person administering the Government of the said Province of *Lower Canada*, or from his, her, or their immediate superior Lord or Seignior, a Release from and Extinguishment of the *Droit de Quint*, or *Droit de Relief*, due and payable by him, her, or them, his, her, or their Heirs and Assigns, for or in respect of Lands so held *à Titre de Fief*, such Seignior or Seigniors, Person or Persons aforesaid, his, her, and their Heirs and Assigns, shall be held and bound, when thereunto required by any of his, her, or their *Censitaires*, or the Persons who now hold or hereafter may hold the said Lands, or any of them, or any Part thereof, *à Titre de Fief*, in *Arriere Fief* as aforesaid, or *à Titre de Cens*, to consent to, grant, and allow to and in favour of such *Censitaire*, or other Person or Persons as aforesaid, requiring the same, a Commutation, Release, and Extinguishment of and from the *Droit de Quint* and *Droit de Relief*, or *Droit de Lods et Ventes*, as the Case may be, and all other Feudal and Seigniorial Rights and Burthens to which such *Censitaire* or other Person or Persons, his or their Heirs and Assigns, and his and their Lands so held by him or them, may be subject or liable, to such Seignior or Seigniors, Person or Persons aforesaid, his, her, or their Heirs and Assigns, for a just and reasonable Price, Indemnity, or Consideration, to be paid for the same, which Price, Indemnity, or Consideration, in case the Parties concerned therein shall differ respecting the same, shall be ascertained and fixed by *Experts*, to be in that Behalf nominated and appointed, according to the due Course of Law in the said Province of *Lower Canada*, regard being had to the Value of the said Lands so held *à Titre de Cens* or *à Titre de Fief*, in *Arriere Fief* as aforesaid.

Persons holding Lands in Fief, and obtaining a Commutation as aforesaid, shall be bound to grant the like Commutation to those holding under them, if required;

for such Price or Indemnity as shall be fixed by Experts.

IV. And be it further enacted, That if any such Seignior or Seigniors, Person or Persons holding Lands *à Titre de Fief*, who shall so as aforesaid have obtained a Release of and from the *Droit de Quint*, or *Droit de Relief*, shall, when thereunto required by any Person or Persons holding any of the said Lands *à Titre de Fief*, in *Arriere Fief*, or by any *Censitaire* or *Censitaires* holding any of the said

Seigniors or others refusing to grant such Commutation may be impleaded in a Court of

Law, and such Commutation may be awarded by such Court to the Party requiring the same, on Payment of the Price or Indemnity.

said Lands *à Titre de Cens* as aforesaid, upon the Payment or lawful Tender of the Price, Indemnity, or Consideration in that Behalf herein-before provided, refuse or neglect to consent to grant and allow to and in favour of such Person or Persons holding such Lands *à Titre de Fief*, in *Arriere Fief* as aforesaid, or of such *Censitaire* or *Censitaires*, a Commutation, Release, and Extinguishment of the *Droit de Quint* and *Droit de Relief*, or of the *Droit de Cens* and *Droit de Lods et Ventes*, as the Case may be, and of all other Feudal and Seigniorial Rights and Burthens as aforesaid, or shall refuse or neglect to join in the Nomination of *Experts*, to ascertain and fix the Price, Indemnity, or Consideration to be paid for such Commutation, Release, and Extinguishment, or shall refuse or neglect to make and execute, to and in favour of such Person or Persons holding such Lands *à Titre de Fief*, in *Arriere Fief* as aforesaid, or of such *Censitaire* or *Censitaires*, as the Case may be, an Instrument in Writing, before Two Notaries, or a Notary and Two Witnesses, containing such Commutation, Release, and Extinguishment as aforesaid, it shall and may be lawful to and for such Person or Persons holding such Lands *à Titre de Fief*, in *Arriere Fief* as aforesaid, or for such *Censitaire* or *Censitaires*, as the Case may be, to implead such Seignior or Seigniors, Person or Persons as aforesaid, in any of His Majesty's Courts of competent Jurisdiction in the said Province of *Lower Canada*, for the Purpose of compelling him or them to accept the Price, Indemnity, or Consideration herein-before provided, to be ascertained and fixed as aforesaid, for the Commutation, Release, and Extinguishment of the *Droit de Quint* and *Droit de Relief*, or *Droit de Cens* and *Droit de Lods et Ventes*, as the Case may be, and of all other Feudal and Seigniorial Rights and Burthens required and demanded by such *Censitaire* or *Censitaires*, or other Person or Persons as aforesaid, and to obtain the full and entire Benefit of such Commutation, Release, and Extinguishment; and upon the Payment or lawful Tender and Deposit of the Price, Indemnity, or Consideration payable by such Person or Persons as aforesaid, or such *Censitaire* or *Censitaires*, in the Hands of the Prothonotary or Clerk of such Court, for the Use of the said Seignior or Seigniors, Person or Persons so impleaded as aforesaid, it shall and may be lawful for the said Court, and the said Court is hereby required, by their Judgment in that Behalf, to award and adjudge to such Person or Persons as aforesaid, or to such *Censitaire* or *Censitaires*, the Benefit of the said Commutation, Release, and Extinguishment, for and in respect of the Lands for which such Payment or Tender and Deposit shall have been made, as fully and effectually, to all Intents and Purposes whatsoever, as if such Commutation, Release, and Extinguishment had been voluntarily consented to be granted and allowed by the said Seignior or Seigniors, Person or Persons so impleaded as aforesaid.

Such Commutation having been voluntarily agreed upon or awarded by a Court of Law, all Feudal Rights

V. And be it further enacted, That in all Cases where such Commutation, Release, and Extinguishment as aforesaid shall have been voluntarily agreed upon by and between any Seignior or Seigniors, Person or Persons holding Lands *à Titre de Fief*, who shall have obtained a Release of the *Droit de Quint*, or *Droit de Relief*, as aforesaid, and his or their *Censitaire* or *Censitaires*, or other Person or Persons as aforesaid, in and by any written Agreement or Instrument in Writing, executed

executed before Two Notaries, or a Notary and Two Witnesses, and also in all Cases where such Commutation, Release, and Extinguishment shall have been declared, awarded, and adjudged by any Court of competent Jurisdiction, by their Judgment in that Behalf as aforesaid, in favour of any Person or Persons as aforesaid, or any *Censitaire* or *Censitaires*, against his, her, or their Seignior or Seigniors impleaded as aforesaid, all and every *Droit de Quint* and *Droit de Relief*, *Droit de Cens*, and *Droit de Lods et Ventes*, and Mutation Fine of every Description, *Droit de Retrait*, *Censuel* and *Conventionel*, *Droit de Banalite*, *Droit de Corveé*, and every Feudal and Seigniorial Right and Burthen whatsoever, upon or in respect of the Lands for which such Commutation, Release, and Extinguishment shall have been agreed upon, declared, awarded, or adjudged as aforesaid, shall, from and after the making of such Agreement or Instrument in Writing, or the rendering of such Judgment as aforesaid, be absolutely and for ever taken away, extinguished, and discharged, as well in respect of such *Censitaire* and *Censitaires*, or other Person or Persons as aforesaid, his, her, and their Heirs and Assigns, as in respect of the said Lands; and the Tenure of the said Lands shall thenceforward be converted into Free and Common Soccage, and the said Lands be held and be taken, and considered to be held in Free and Common Soccage, in like Manner as Lands are holden in Free and Common Soccage in that Part of *Great Britain* called *England*; any Law, Usage, or Custom to the contrary in anywise notwithstanding.

and Burthens shall cease upon the Lands for which the same shall be granted;

and the Tenure be converted to Free and Common Soccage.

VI. Provided always, and be it further enacted, That nothing hereinbefore contained shall extend or be construed to extend to discharge any Arrears of *Cens et Rentes*, or any *Lods et Ventes*, or other Feudal or Seigniorial Rights or Dues that may have accrued before such Commutation as aforesaid shall have been required by any *Censitaire* or *Censitaires*, or in anywise to destroy, alter, or affect the Recourse which the Seignior or Seigniors to whom such Arrears, *Lods et Ventes*, or Rights, shall be due, might lawfully have had or taken for the Recovery of the same, if such Commutation had not been made.

Nothing herein contained to extend to discharge Arrears.

VII. Provided nevertheless, and be it further enacted, That in all Cases where such Application for a Commutation, Release, and Extinguishment of Feudal or Seigniorial Rights, Dues, or Burthens shall be made in respect of Lands held either immediately of the Crown, or as an *Arriere Fief* as aforesaid, public Notice thereof shall be given by the Person so applying, for the Space of Three Calendar Months, in the *Quebec* Gazette, published by Authority, and in Two other Newspapers, published respectively in the Cities of *Quebec* and *Montreal*, thereby calling on all Persons who may have or claim to have any present or contingent Right, Interest, Security, Charge, or Incumbrance, either by Mortgage (*Hypotheque*) 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 Commutation, Release, and Extinguishment of Feudal and Seigniorial Rights, Dues, or Burthens shall be so applied for, to signify in Writing, within Three Calendar Months from the Date of such Notification, their Assent to or Dissent from the Surrender, Re-grant, and Change of

Persons applying for such Commutation to give Public Notice to Mortgagees and others having Claims on such Lands.

Tenure of such Lands, and the Commutation, Release, and Extinguishment of the Feudal and Seigniorial Dues, Rights, and Burthens so applied for; which Consent or Dissent in Writing shall, in case of an Application made by Petition to His Majesty, as herein-before mentioned, be lodged within the said last-mentioned Period of Three Calendar Months (and Access shall be by all Persons freely had thereto) in the Office of the Executive Council of the said Province; and in the Case where such Commutation, Release, and Extinguishment of Feudal and Seigniorial Dues, Rights, and Burthens shall be required of a Seignor, for and in respect of Lands holden under him, *à Titre de Fief*, in *Arriere Fief*, such Consent or Dissent in Writing shall be lodged within the said Time (and Access shall be by all Persons freely had thereto) in the Office of the Prothonotary or Clerk of the Superior Court of Original Jurisdiction, holding Civil Pleas in the District where such Lands shall be situate; and provided further, that no such Surrender, Re-grant, Change of Tenure, or Commutation, Release, and Extinguishment of Feudal and Seigniorial Dues, Rights, and Burthens, shall be good, valid, or effectual to any Purpose whatsoever, unless such Notification shall have been previously made, and the Consent of all such Persons having, holding, or claiming any Right or Interest, Security, Charge, or Incumbrance in or upon the said Lands, shall have been signified and deposited as aforesaid, or until the Person applying for such Commutation, Release, or Extinguishment or Feudal or Seigniorial Dues, Rights, or Burthens, shall show, to the Satisfaction of His Majesty's Executive Council, or of his immediate Superior Lord or Seignior, as the Case may be, that no such Claim hath been made or signified, or that having been made, it hath been satisfied or discharged, or been declared by a Judgment of a competent Court of Law to be unfounded.

Lands holden in Free and Common Socage in Lower Canada to be subject to the Laws of England.

VIII. And whereas Doubts have arisen, whether Lands granted in the said Province of *Lower Canada* by His Majesty, or by any of His Royal Predecessors, to be holden in Free and Common Soccage, shall be held by the Owners thereof, or will subsequently pass to other Persons according to the Rules of Descent and Alienation in force in *England*, or according to such Rules as were established by the ancient Laws of the said Province, for the Descent and Alienation of Land situate therein; be it therefore declared and enacted, That all Lands within the said Province of *Lower Canada*, which have heretofore been granted by His Majesty, or by any of His Royal Predecessors, to any Person or Persons, their Heirs and Assigns, to be holden in Free and Common Soccage, or which shall or may hereafter be so granted by His Majesty, His Heirs and Successors, to any Person or Persons, their Heirs and Assigns, to be holden in Free and Common Soccage, may and shall be by such Grantees, their Heirs and Assigns, held, granted, bargained, sold, aliened, conveyed and disposed of, and may and shall pass by Descent, in such Manner and Form, and upon and under such Rules and Restrictions, as are by the Law of *England* established and in force in reference to the Grant, Bargain, Sale, Alienation, Conveyance, Disposal, Descent of Lands holden by the like Tenure therein situate, or to the Dower or other Rights of Married Women in such Lands, and not otherwise, any Law, Custom, or Usage to the contrary in anywise notwithstanding: Provided nevertheless, that

nothing herein contained shall extend to prevent His Majesty, with the Advice and Consent of the Legislative Council and Assembly of the Province of *Lower Canada*, from making and enacting any such Laws or Statutes as may be necessary for the better adapting the before-mentioned Rules of the Law of *England*, or any of them, to the local Circumstances and Condition of the said Province of *Lower Canada*, and the Inhabitants thereof.

Certain Parts of the Coast of Labrador and adjacent Islands re-annexed to Lower Canada. 49 G. 3. c. 27. 5 G. 4. c. 67.

IX. And whereas under and by virtue of a certain Act passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing Courts of Judicature in the Island of* Newfoundland, *and in the Islands adjacent; and for re-annexing Part of* Labrador, *and the Islands lying on the said Coast, to the Government of* Newfoundland; and of the Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the better Administration of Justice in* Newfoundland, *and for other Purposes*, the Coast of *Labrador*, from the River *Saint John* to *Hudson's Streights*, and the Island of *Anticosti*, and all the Islands adjacent to the said Coast, except the Islands of *Madelaine*, are annexed to and form Part of the Government of *Newfoundland*; and it is expedient that certain Parts of the said Coast of *Labrador* should be re-annexed to and form Part of the Province of *Lower Canada*; be it therefore enacted, That so much of the said Coast as lies to the Westward of a Line to be drawn due North and South from the Bay or Harbour of *Ance Sablon*, inclusive, as far as the Fifty-second Degree of North Latitude, with the Island of *Antiscosti*, and all other Islands adjacent to such Part as last aforesaid, of the Coast of *Labrador*, shall be and the same are hereby re-annexed to and made a Part of the said Province of *Lower Canada*, and shall henceforward be subject to the Laws of the said Province, and to none other; and so much of the said recited Acts passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, and in the Fifth Year of the Reign of His present Majesty, as relates to such Part of the Coast of *Labrador* as last aforesaid, and the said Island of *Anticosti*, and other adjacent Islands, shall be and the same is hereby repealed.

Court of Escheats may be constituted in the said Province to try Forfeitures of uncultivated Lands liable to Escheat to the Crown.

X. And whereas it is necessary to enable His Majesty more easily to resume from Time to Time such uncultivated Lands within the said Province, holden in Free and Common Soccage, as now are or hereafter may be liable to Escheat, and become forfeited to His Majesty by reason of the Non-performance of the Conditions of Settlement and Cultivation, or other Conditions mentioned and contained in the Letters Patent or Grants thereof heretofore made, or which shall hereafter be made by His Majesty, either in virtue of this Act or otherwise; be it enacted, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the said Province, with the Advice of the Executive Council thereof, to constitute and appoint, by a Commission under the Great Seal of the said Province, One or more Person or Persons to be a Commissioner or Commissioners of Escheats and Forfeitures of Land within the said Province; which said Commissioner and Commissioners is and are hereby authorized and empowered, from Time to Time, on Infor-

Information being made and filed before him or them by the Attorney General or Solicitor General of the said Province, or other Person appointed for that Purpose on behalf of His Majesty, His Heirs or Successors, concerning the Performance or Non-performance of the Conditions of any Grants or Letters Patent by which any such Land as aforesaid shall at any Time have been held, to inquire, on the Part and Behalf of His Majesty, by the Oaths of Twelve good and lawful Men, to be duly summoned for that Purpose by the Sheriff, upon a Precept to be issued and directed to him from the Office of the Secretary of the Province, whether the Lands mentioned in the said Information are or shall be liable to Escheat, and be forfeited to His Majesty, by reason of the Non-performance of any of the Conditions of the respective Grants or Letters Patent thereof; and the said Commissioner or Commissioners shall proceed in the Cognizance of the Matters aforesaid, as nearly as Circumstances will admit, according to the Rules, Course, and Practice of the Law of *England* in the like Cases, and shall have Power and Authority to summon Witnesses to attend and give Evidence before the said Inquest; and the Testimony, on Oath, of One or more competent Witness or Witnesses, either before the said Inquest, or taken in Writing before a Person or 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 alledged in such Information; and the said Commissioner or Commissioners 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 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 Pleas 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 Non-performance 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 thereof 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 lawful Title derived under the same.

Court how to proceed.

Inquests to be returned.

No new Grant of escheated Lands to be made for One Year.

Notice to be given.

XI. 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 Fourteen Days after the filing of such Information, insert in the *Quebec* Gazette, published 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 of Office before the said Com-

Commissioner or Commissioners, concerning the Matters therein alleged, which Time shall not exceed Four or be less than Two Calendar 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 Notification 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 aforesaid, 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.

Parties interested may traverse Inquests.

XII. 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 aforesaid 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 aforesaid, 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 aforesaid, it is impossible, except by the Consent of Parliament, to quiet the Possession of such Persons so claiming the same by such Titles as aforesaid, or to obtain a Surrender and Conveyance, or to effect an Exchange of such Parts thereof as may be so required as aforesaid for the public Service, or for the Completion of any such Settlements as aforesaid; 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 aforesaid for the Benefit of a Protestant Clergy in the said Province, is necessary for quieting 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 aforesaid, 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, then,

Certain Parts of the Clergy Reserves in the said Province may be surrendered, exchanged, and re-granted, for certain public Uses and other Purposes.

then, 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, all the Lands therein included and comprized; and such Lands shall and may, by His Majesty, His Heirs and Successors, be re-granted 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.

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