

mutations made by virtue of this Act shall be applied towards the Administration of Justice and the Support of the Civil Government of the said Province.

General Issue. XXXIII. And be it further enacted, That if any Person or Persons shall be sued or prosecuted, for any thing done or to be done in pursuance of this Act, such Person or Persons may plead the General Issue, and give

this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become nonsuit, or forbear the Prosecution, or discontinue his, her, or their Action, or if a Verdict shall pass against him, her or them, the Defendants shall have Treble Costs, and shall have the like Remedy for the same as in Cases where Costs are by Law given to Defendants.

Treble Costs.

(The Schedules are here omitted; because all that part of the foregoing Act which regards the intercourse between Canada and the United States, has been repealed by the Act 6 Geo. IV. Cap. 105; the said intercourse being now regulated by the Acts 6 Geo. IV. Cap. 73. and Cap. 114. as re-printed in this Collection.)

## Anno Sexto Georgii IV. Regis.

### CAP. LIX.

*An Act to provide for the Extinction of Feudal and Seigniorial 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.]

3 Geo. 4. c. 119. 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 Seignior, 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 Seignior 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 *Arrière Fief*, or à *Titre de Cens*; and further Provision in this behalf is necessary;

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. 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 Seignior in the said Province of *Lower Canada*, and having legally the Power of Alienating the same, in which Fief or Seignior Lands have been Granted and are held à *Titre de Fief*, in *Arrière 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 Seignior, and shall surrender into the Hands of His Majesty, His Heirs or Successors, all such parts and parcels of such Fief or Seignior as shall remain and be in his Possession ungranted, and shall not be held as aforesaid à *Titre de Fief*, in *Arrière Fief*, or à *Titre de Cens*, it shall and may be lawful for His Majesty, or for such Governor, Lieutenant Govern-

or, 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 Seignior, 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 Seignior 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 Seignior 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 *Arrière 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.

Such Fief or Seignior may be re-granted 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

Feudal and Seigniorial rights on the granted parts of such Seignior not