

6-7 EDWARD VII., A. 1907

DRAUGHT OF AN ORDINANCE RELATING TO FRENCH LAND  
TENURES<sup>1</sup>

An Ordinance for Continuing and Confirming the Laws and Customs that prevailed in this Province in the Time of the French Government concerning the Tenure, Inheritance, and Alienation of Lands.

Whereas from the extensive Words used in the great Ordinance of this Province dated the 17<sup>th</sup> Day of Sep<sup>r</sup> in the Year of Our Lord 1764, intituled, *An Ordinance for regulating and establishing the Courts of Judicature, Justices of the Peace, Quarter Sessions, Bailiffs, and other Matters relative to the Distribution of Justice in this Province*, by which the two principal Courts of Judicature erected thereby in this Province are impowered and Directed, the one of them to hear and determine all Criminal and Civil Causes agreeable to the Laws of England and to the Ordinances of this Province, and the other to determine Matters of Property above the Value of ten Pounds agreeable to Equity, having Regard nevertheless to the Laws of England, and an Appeal is allowed from this latter Court, in Cases wherein the Matter in Contest is of the Value of twenty Pounds, and upwards to the former Court which is strictly enjoined to proceed according to the Laws of England and the Ordinances of this Province, as aforesaid, certain Doubts have arisen, and may arise, that in Consequence thereof, the Rules of Inheritance of Lands and Houses in this Province, and the Terms and Conditions of the Tenures thereof, and the Rights, Privileges, Profits and Emoluments thence arising either to the King's Most Excellent Majesty, or to divers of His said Majesty's Subjects that are owners of Lands in the said Province, were in the whole or in Part abolished, and the Laws and Customs of England relating to the said Points at once introduced in their Stead; which great and sudden Alteration of the Laws concerning these important Subjects would not only be in no wise useful to the said Province but by unsettling Mens antient and accustomed Rights and reasonable Expectations Founded thereon, would be attended with innumerable Hardships and Inconveniences to the Inhabitants thereof, and produce a general Confusion. In Order therefore to prevent these Evils, and to quiet the Minds of the Inhabitants with Respect to them, It is Ordained and Declared by the Lieutenant Governor of this Province, by and with the Advice and Consent of the Council of the same, that the Laws and Customs that prevailed in this Province in the Time of the French Government at or immediately before the Time of the Conquest thereof by the Arms of Great Britain concerning the following Points; to Wit, Concerning the Tenures of Lands in this Province, both such as were held immediately of the Crown, and such as were held of Subjects, and the Terms and Conditions of such Tenures; and concerning the Rights, Privileges, and Preeminences annexed to any of the said Tenures, and the Burthens, Duties, and Obligations to which

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<sup>1</sup> Canadian Archives, Q 5-1, p. 323.