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No. 149.

1st Session, 8th Parliament, 27 Victoria, 1863.

BILL.

**An Act to remove doubts as to the title of
Leonidas Burwell to certain lands in the
Township of Bayham.**

**Received and read 1st time, Tuesday, 15th
September, 1863.**

**Second reading, Wednesday, 16th Sept.,
1863.**

Mr. SCATCHERD.

QUEBEC.

**PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, 26 ST. URSULE ST.**

An Act to remove doubts as to the title of Leonidas Burwell to certain lands in the Township of Bayham.

- W**HEREAS Leonidas Burwell, of Port Burwell, in the County of ^{Preamble.} Elgin, of the Province of Canada, one of the devisees of Mahlon Burwell, late of Port Talbot, in the county aforesaid, Esquire, now deceased, hath, by his petition, stated that the said Mahlon Burwell, now
 5 deceased, died seized of certain real estate in Upper Canada, and before his death duly made and published his last will and testament, bearing date the seventeenth day of January, in the year of our Lord one thousand eight hundred and forty-six, in manner sufficient to pass real estate, and died without revoking the same, whereby amongst
 10 other things he devised as follows:—"I also give and devise to my "third son Leonidas Burwell, lot number ten in the first concession in "the Township of Bayham, containing two hundred acres, more or less, "and also the rest and residue of lots numbers eleven and twelve in the "said first concession of Bayham, after deducting therefrom the lots laid
 15 "out by me in the Town of Port Burwell, and the block of land lying "north of the said lots, and comprehended between Strachan and Eneas "Streets in Port Burwell, and which said rest and residue, deducting "as aforesaid, may contain five hundred and forty acres, more or less, "to hold the said lands to the said Leonidas, and to the male heirs of
 20 "his body lawfully begotten for ever, and should the said Leonidas "Burwell die without male issue, as aforesaid, then the said lands herein- "before devised to him, as well as all other lands which may have "descended to him from his elder brothers failing their male issue, "under the provisions of this my will, shall descend to my fourth son
 25 "John Watpole Burwell, and the male heirs of his body lawfully be- "gotten for ever";
 And also stating by the said Petition that the said Leonidas Burwell became and was, and is seized of, in and to the said lands as the actual tenant in tail;
 30 And also stating by the said Petition, that under the provisions of the Statute passed in the ninth year of the reign of Her Majesty Queen Victoria, chapter eleven, entitled: "An Act for the substitution of more simple modes of assurance in lieu of fines and recoveries," the said Leonidas Burwell became empowered to sell and dispose of the
 35 said lands for an estate in fee simple, and did dispose of certain portions of the said lands to divers persons, and is desirous of conveying more of the said lands, but doubts have arisen as to his title, inasmuch as it is alleged that the said lands were entailed, and that only a life estate was or could be conveyed: and the said Leonidas Burwell hath
 40 prayed that an Act may be passed declaring and enacting that the said Leonidas Burwell was and is authorized to convey the lands mentioned and described in the preamble of this Act and in the said will, in fee simple; and whereas it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the
 45 Legislative Council and Assembly of Canada, declares and enacts as follows:—

Under the said Will and 9 V. C. 11 the said L. Burwell can convey the said lands in fee simple.

1. Under and by virtue of the said will of the said Mahlon Burwell, of the seventeenth day of January, in the year of our Lord one thousand eight hundred and forty-six, and the provisions of the said Act entitled: "An Act for the substitution of more simple modes of assurance in lieu of fines and recoveries," the said Leonidas Burwell had and has full power and authority to convey, in fee simple, the lands mentioned and described in the said will, and the preamble of this Act, for and notwithstanding anything to the contrary in the said will contained. 5

Public Act. **2.** This Act shall be deemed a Public Act.