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No. 137.

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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## **BILL.**

An Act to secure titles to Real Estate  
to certain persons naturalized under  
the Statute of Lower Canada, 1st  
Will. IV., chap. 53.

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Received and Read a first time, Thursday, 1st  
March, 1849.

Second Reading, Wednesday, 7th March, 1849.

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Mr. GUGY.

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**BILL.**

An Act to secure titles to Real Estate to certain persons naturalized under the Statute of Lower Canada, 1st Will IV., ch. 53.

**W**HEREAS an Act of the Legislature of that part of the Province which heretofore constituted the Province of Lower Canada, was passed in the first year of the reign of His late Majesty King William the Fourth intituled, "*An Act to secure to and confer upon certain inhabitants of this Province the Civil and Political rights of natural born British subjects,*"—And whereas notwithstanding the express terms of the said Act, and the declared and manifest intentions of the Legislature to confer upon the classes of individuals mentioned in the same, the right to take, hold, possess, convey and transfer real property in the said part of the said Province, to all intents and purposes as if they had been born in the United Kingdom of Great Britain and Ireland, divers suits at law and other proceedings have been brought, taken and had, to disturb certain persons entitled to the benefit of the said Act, in the enjoyment of real property secured to them under and by virtue of the same: And whereas it is just and right to quiet the titles to such real property so held as aforesaid, and to protect the holders thereof from vexatious proceedings: Be it therefore enacted, &c.

Preamble.

Act of L. C.,  
1 W. 4, c. 53.

And it is hereby enacted by the authority of the same, That all parties who have duly complied with the requirements of the said above recited Statute of Lower Canada, shall be and they are hereby confirmed and maintained in the enjoyment of all real property

Parties naturalized under the said Act, maintained in enjoyment of land in their actual possession at the time of its passing.

which was in their actual occupation and enjoyment at the time of the passing of the said Act, and which at any time before had been devised and bequeathed to them by will, deed or gift, or otherwise, or of which they took possession and enjoyed in fact, as if they had been legal heirs of their deceased parents being aliens, and in all rights, title and interest in and to such real property, and the rents, issues and profits thereof, as fully, to all intents and purposes, as any natural subject of the Crown of Great Britain and Ireland might and could and may and can take, hold and enjoy real property devised or bequeathed to him or them or coming to him or them by right of descent and inheritance; any law, statute, usage, judgment, execution, process or proceedings whatever to the contrary notwithstanding.

Persons troubled in possession on the ground of their alienship, may apply to a Court of Queen's Bench for relief.

II. And be it enacted, That it shall be lawful for any party or parties having so complied with the Statute of Lower Canada as aforesaid, and naturalized by virtue thereof, who by reason of or upon the ground of his or their having been or being an alien or aliens, is or shall be disturbed, or who may, since the passing of that Act, have been disturbed on such ground as aforesaid, in the actual enjoyment and occupation of any real property by him claimed under the said Statute, as heir, devisee, donee or grantee of his father or mother, being aliens, by any party or parties claiming under any judgment, order, decree, writ, process or proceedings of any Court or Courts of Justice which may have been at any time heretofore or may be at any time hereafter rendered, or by order thereof, to apply by petition to any Court of Queen's Bench in the said part of this Province which was heretofore Lower Canada, and upon proof by affidavit or otherwise, that the said party petitioning hath been naturalized under the said Statute, and upon proof of service of a copy of such petition upon the adverse

party or parties, at least twenty-one days before the day of presenting such petition, it shall be the duty of any such Court of Queen's Bench to make an order to quash What relief the Court may grant.

5 all writs of execution, and all proceedings under colour of any judgment or judgments, or of such writs and process by which such petitioner may be disturbed in or deprived of the enjoyment and possession of any real

10 property so by him claimed, held, occupied and enjoyed under the said Statute, as heir, devisee, donee or grantee of his father or mother, being aliens; and upon the making of the said order all proceedings whatever

15 under such judgments, writs and process shall surcease and determine, and the said writs and process shall be quashed, annulled and set aside.

3. And be it enacted, That nothing in

20 this Act contained shall prevent any remedy at law which any party may now have, to enforce the payment of costs awarded under and by virtue of any judgment or judgments against any other party naturalized

25 under the said Statute and otherwise entitled to claim the protection of this Act, but that every remedy which the party having an award of costs now hath or is entitled to exercise, shall continue to be exercised in

30 the same manner and form as if this Act had never been passed.

Such parties not to be relieved from the payment of costs incurred previously,