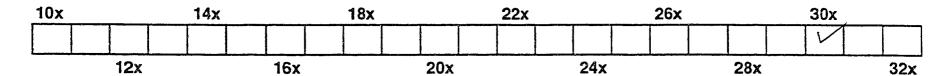
Technical and Bibliographic Notes / Notes techniques et bibliographiques

L'Institut a microfilmé le meilleur exemplaire qu'il lui a

copy available for filming. Features of this copy which été possible de se procurer. Les détails de cet exemmay be bibliographically unique, which may alter any of plaire qui sont peut-être uniques du point de vue biblithe images in the reproduction, or which may ographique, qui peuvent modifier une image reproduite, significantly change the usual method of filming are ou qui peuvent exiger une modification dans la méthochecked below. de normale de filmage sont indiqués ci-dessous. Coloured covers / Coloured pages / Pages de couleur Couverture de couleur Pages damaged / Pages endommagées Covers damaged / Couverture endommagée Pages restored and/or laminated / Pages restaurées et/ou pelliculées Covers restored and/or laminated / Couverture restaurée et/ou pelliculée Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées Cover title missing / Le titre de couverture manque Pages detached / Pages détachées Coloured maps / Cartes géographiques en couleur Showthrough / Transparence Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire) Quality of print varies / Qualité inégale de l'impression Coloured plates and/or illustrations / Planches et/ou illustrations en couleur Includes supplementary material / Comprend du matériel supplémentaire Bound with other material / Relié avec d'autres documents Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best Only edition available / possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une Seule édition disponible pelure, etc., ont été filmées à nouveau de façon à Tight binding may cause shadows or distortion along obtenir la meilleure image possible. interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge Opposing pages with varying colouration or intérieure. discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des Blank leaves added during restorations may appear colorations variables ou des décolorations sont within the text. Whenever possible, these have been filmées deux fois afin d'obtenir la meilleure image omitted from filming / II se peut que certaines pages possible. blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. Additional comments / Cover title page is bound in as last page in book but filmed as first page on fiche. Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

The Institute has attempted to obtain the best original



4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to amend an Act passed in the twelfth year of Her Majesty's reign, intituled, "An Act to simplify the "transfer of real property in Upper" Canada, and to render certain rights "and interests therein liable under ex" ecution."

Received and read a first time, Monday, 25th May, 1851.

Second Reading, Wednesday, 4th June, 1851.

Hon. Mr. Campron (of Cornwall.)

BILL.

An Act to amend an Act passed in the twelfth year of Her Majesty's reign, intituled "An Act "to simplify the transfer of real property in Upper " Canada, and to render certain rights and interests "therein liable under execution."

HEREAS it is expedient to amend an Act passed preamble. in the twelfth year of Her Majesty's reign, intituled, "An Act to simplify the transfer of real property "in Upper Canada, and to render certain rights and inte-5" rests therein liable under execution":-Be it therefore enacted, &c.

That the second, third, fourth, fifth, seventh, eighth, Cortain ninth, and eleventh sections of the said first recited Act vict. c.71, be and the same are hereby repealed. repealed.

IL And be it enacted, That all corporeal tenements Corpored and hereditaments shall, as regards the conveyance of tonements, &c. the immediate freehold thereof, be deemed to lie in grant, in grant, &a as well as in livery.

III. And be it enacted, That a feofiment, otherwise Footiments 15 than by deed, shall be void at law, and no feoffment to be void. shall have any tortious operation.

IV. And be it enacted, That a partition and an ex-Partition on change of any tenements and hereditaments, and a lease exchange of required by law to be in writing of any tenements and unless by deed 20 hereditaments, and an assignment of a chattel interest in any tenements or hereditaments, and a surrender in writing of any tenements or hereditaments not being an interest which might by law have been created without writing, shall be void at law, unless made by deed.

V. And be it enacted, That a contingent, an executory Cortain and a future interest and a possibility coupled with an interest in temperate interest in any tenements or hereditaments of any tenure, mey be diswhether the object of the gift or limitation of such inte-point of by rest or possibility be or be not ascertained, also a right 30 of entry whether immediate or future and whether vested or contingent into or upon any tenements or hereditaments of any tenure, may be disposed of by deed, but that no such disposition shall by force only of this Act

defeat or enlarge an estate, and that any such disposition by a married woman shall be made conformably to the

provisions of any Act in force at the time of such disposition for enabling married women to convey their real estate.

Certain contingent remainders made valid. VI. And be it enacted, That a contingent remainder, existing at any time after the 30th day of May, 1849, and if created before the passing of this Act, shall be deemed to have been capable of taking effect, notwithstanding the determination by forfeiture, surrender or merger, of any preceding estate of freehold.

Effect of sur-; render or merger of reversions expectant on a lease in certain cases, VII. And be it enacted, That when the reversion ex- 10 pectant on a lease made either before or after the passing of this Act of any tenements or hereditaments of any tenure, shall be surrendered or merge, the estate which shall for the time being confer, as against the tenant under the same lease, the next vested right to the same tene- 15 ments or hereditaments, shall, to the extent and for purpose of preserving such incidents to and obligations on the same reversion as but for the surrender or merger thereof would have subsisted, be deemed the reversion expectant on the same lease.

20

Executor of deceased mortgages, may, convey, or release to the lands mortgaged in certain cases.

VIII. And be it enacted, That when any person entitled to any freehold or leasehold land by way of mortgage, has or shall have departed this life, and his executor or administrator is or shall be entitled to the money secured by the mortgage, or shall have assented to a 25 bequest thereof, or shall have assigned the mortgage debt. such executor or administrator shall have power on payment of the principal money and interest due on the said mortgage, or if the mortgage money shall have been paid to the testator or intestate in his lifetime, to convey, re- 30 lease and discharge the said mortgage debt and the legal estate in the land, and such executor or administrator shall also have the same power as to any portion of the lands, on payment of some part of the mortgage debt, or on any arrangement for exonerating the whole or any 35 part of the mortgaged lands without payment of money, and such conveyance, release or discharge shall be as effectual as if the same had been made by any person having the legal estate.

Section 13, of above Act extended. IX. And be it enacted, That the thirteenth section of 40 the said recited Act shall extend and be applied to any estate, right or title or interest in lands which may be disposed of by deed under the fifth section of this Act.