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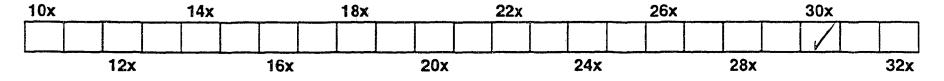
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to amend an Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the bet-"ter to facilitate optional Commu-"tation of the Tenure of Land en "roture, in the Seigniories and "Fiefs in Lower Canada, into that "of franc aleu roturier."

Received and Read a first time, Monday, 12th February, 1849.

Second Reading, Monday, 19th February, 1849.

MR. CHRISTIE.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to amend the Act passed in the eighth year of Her Majesty's Reign, intituled " An Act the better to facilitate " optional Commutation of the Tenure of " Lands en roture, in the Seigniories and " Fiefs in Lower Canada, into that of " franc aleu roturier."

WHEREAS, by the Law of Lower Preamble. Canada, a fine has always been payable to the Sovereign, upon the acquisition, by any Religious or Ecclesiastical Commu-5 nity, or other Corporate Body, of any Seigniory or Fief therein, as an indemnity for the loss of the casual profits of such Seigniory or Fief, in consequence of the same being thereafter held in mortmain; And whereas it

- 10 is neither just nor expedient that such Religious or Ecclesiastical Community, or other Corporate Body, after having paid such fine or indemnity, or after the same having been graciously remitted to them by Her Majesty
- 15 or any of Her Royal Predecessors or Successors, should be liable to pay a further fine or indemnity upon the Commutation of the Tenure of any land held *en roture* in any such Seigniory or Fief; And whereas it is expe-
- 20 dient to amend an Act passed in the eighth year of Her Majesty's Reign, intituled "An Act 8 Vict. c. " Act the better to facilitate Optional Com- 42 cited. " mutation of the Tenure of Lands en roture, " in the Seigniories and Fiefs in Lower Ca-
- 25 " nada, into that of franc-aleu roturier," in this particular, and also in so far as the same unnecessarily imposes upon the vassals (censitaires) of such Religious or Ecclesiastical Communities or other Corporate
- 30 Bodies, holding Seigniories or Fiefs in mortmain in Lower Canada, conditions and A⁹¹ .

restrictions as to Commutation of the Tenure of their Lands, more onerous than those imposed upon the vassals (censilaires) of other Seigniories; Be it therefore enacted, &c.,

Certain parts nities and corporate bodies repeated.

And it is hereby enacted by the authority of 5 the same. That so much of the said Act as reof the said Act quires, or may be construed to require, that gious commu- any Religious or Ecclesiastical Community. or other Corporate Body in Lower Canada, holding in mortmain Seigniories or Fiefs 10 therein, should give in to the Receiver General of this Province any authentic copy of any notarial agreement executed in virtue of the provisions of the said Act, or be liable to pay over into the hands of the said Receiver 15 General, any portion of the indemnity, commutation money, or consideration received or to be received in pursuance of any such agreement, or incur any penalty or forfeiture for neglecting or refusing so to do, and also so 20 much of the said Act as chacts that the commutation of any Seigniorial rights held in mortmain shall be accompanied by the same formalities as the alienation of any immovable property of the same party, and pro-25 vides that such commutation shall be made for an annual rent, and not otherwise, be and the same are hereby repealed.

Further provision as to commutation of Seignorial rights held in mortmain.

II. And be it enacted, that the commutation of any Seigniorial rights held in mort- 30 main, or by any Corporation in Lower Canada, may be made without having previously obtained authority for so doing, and that no other formality need be observed than such as is required in the transfer of real property 35 from one person to another; and that such commutation may be made for any consideration that may be agreed upon; and that no portion of such consideration shall be payable to Her Majesty, Her Heirs or Suc- 40 cessors.