

C A P. XXX.

An Ordinance to incorporate the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, to confirm their Title to the Fief and Seigniorship of the Island of Montreal, the Fief and Seigniorship of the Lake of the Two Mountains, and the Fief and Seigniorship of Saint Sulpice, in this Province; to provide for the gradual extinction of Seigniorial Rights and Dues, within the Seigniorial limits of the said Fiefs and Seigniorships, and for other purposes.

Preamble.

WHEREAS the Ecclesiastics of the Seminary of Saint Sulpice, established at Montreal in this Province, have since the Capitulation made and signed at Montreal aforesaid, on the eighth day of September, which was in the year of our Lord, one thousand seven hundred and sixty, held, possessed, and enjoyed, and do still hold, possess and enjoy, the Fief and Seigniorship of the Island of Montreal and its dependencies, the Fief and Seigniorship of the lake of the Two Mountains, and the Fief and Seigniorship of Saint Sulpice, and their several dependencies, all situated in the said District of Montreal: And the said Ecclesiastics have alledged, and do alledge, that they so as aforesaid have held, possessed and enjoyed, and still do hold, possess and enjoy all and singular the said Fiefs and Seigniorships, and their dependencies, rightfully and as the true and lawful owners of the same; And whereas doubts and controversies have arisen touching the right and title of the said Ecclesiastics, of the said Seminary of Saint Sulpice of Montreal, in and to the several Fiefs and Seigniorships, and their dependencies, of which they have, as aforesaid, been in possession since the said Capitulation, and it has been contended that all and every the said Fiefs and Seigniorships became by the Conquest of this Province by the British Arms, vested, and still remain vested in the Crown; and whereas Her Majesty, desirous that all such doubts and controversies should be removed and terminated, and that Her faithful subjects holding lands within the Seigniorial limits of the said Fiefs and Seigniorships, should be enabled to effect and obtain the gradual extinction of all Seigniorial Rights, Dues, and Duties, payable or performable for or by reason of such their lands, has of her own mere will and proper motion, graciously signified Her Royal pleasure, that the right and title of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, in and

to

to the said several Fiefs and Seigniorics, should be absolutely confirmed, under and subject to the terms, provisos, conditions and limitations, hereinafter contained and expressed, which said terms, provisos, conditions and limitations, have been fully and formally agreed to and accepted by the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal; And whereas for fulfilling Her Majesty's gracious pleasure and intentions in the said behalf, and for other the purposes aforesaid, it is expedient and necessary that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, should be constituted an Ecclesiastical Corporation, or body Corporate and Ecclesiastical, (*Communauté Ecclésiastique*,) for the purposes hereinafter mentioned:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada*," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament for making temporary provision for the Government of Lower Canada*;" and it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that Joseph Quiblier, Jean Louis Melchoir Sauvage du Chatillonet, Jean Richard, Joseph Comte, and others, who now are members of the said Seminary of Saint Sulpice of Montreal, and compose the body thereof, and their Ecclesiastical successors, named and appointed by and according to the rules and regulations which now are, or hereafter may be in force for the government of that Institution or Body, shall be, and they are hereby made, constituted and declared to be an Ecclesiastical Corporation or Body Corporate and Ecclesiastical, (*Communauté Ecclésiastique*) in name and in deed, by the name of "The Ecclesiastics of the Seminary of Saint Sulpice of Montreal;" and that by the same name, they shall have perpetual succession, by admitting and electing new members, according to the rules of their foundation and the practice by them heretofore followed, (subject always to the provisions hereinafter made touching such rules and practice,) and shall have a common seal, with power to alter, break and make new the same, when and as often as they shall judge it expedient so to do; and that they and their successors by the same name, may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all Courts of Record and places of Judicature and Jurisdiction, within the said Province, and do, perform and execute all and every lawful acts and things in as full and

The Members of the Seminary of Saint Sulpice and their successors, created an Ecclesiastical Corporation.

To have perpetual succession and a common seal.

May sue and be sued, &c.

No rules, by-laws, &c. to be valid, after the expiration of six months from the passing of this Ordinance, unless approved by the Governor.

and ample manner and form, to all intents, constructions and purposes, as any other Ecclesiastical Corporation or Body Corporate and Ecclesiastical, by law may or ought to do : Provided always, that no rules, bye laws, or regulations, or practice for or concerning the admission and election of new members, or the temporal government of the said Corporation or its successors, shall, after the expiration of six months from the passing of this Ordinance, be valid, binding, or effectual, unless they shall have been reduced to writing and shall have been laid before the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall have been by him expressly approved, confirmed, and ratified.

The right and title of the members of the said Seminary to the Fiefs and Seigniories of the Island of Montreal, Lake of Two Mountains, and of St. Sulpice confirmed.

II. And be it further Ordained and Enacted by the authority aforesaid, that the right and title of the said Ecclesiastics to the Seminary of Saint Sulpice of Montreal, in and to all and singular the said Fiefs and Seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and their several dependencies, and in and to all Seigniorial and Feudal rights, privileges, dues, and duties arising out of and from the same, and in and to all and every the Domains, Lands, Reservations, Buildings, Messuages, Tenements, and Hereditaments within the said several Fiefs and Seigniories, now held and possessed by them as proprietors thereof, and also in and to all monies, debts, *hypothèques*, and other real securities, arrears of *lods et ventes*, *cens et rentes*, and other Seigniorial dues and duties, payable or performable by reason of lands holden by *censitaires*, tenants, and others, in the said several Fiefs and Seigniories, goods, chattels, and moveable property whatsoever, now due, owing, belonging, or accrued to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or which may hereafter become due and owing, or accrue and belong to them, or to the said Ecclesiastical Corporation hereby constituted, or their successors, by reason of any lands and tenements holden in the respective *censives* of the said several Fiefs and Seigniories, with all and every the rights, privileges, and appurtenances thereunto respectively belonging or in any wise appertaining, shall be, and they are hereby confirmed and declared good, valid, and effectual in the law, and the Corporation hereby constituted, shall and may have, hold and possess, the same as proprietor thereof, as fully, in the same manner, and to the same extent, as the Ecclesiastics of the Seminary of Saint Sulpice of the Fauxbourg of Saint Germain Lez Paris, or the Seminary of Saint Sulpice of Montreal, according to its constitution, before the eighteenth day of September, which was in the year one thousand seven hundred and fifty-nine, or either or both of the said Seminaries, might or could have done, or had a right to do, or might or could have held, enjoyed, or applied the same, or any part thereof, previously to the last mentioned period ; and to and for the purposes, objects and intents

Purposes for which the said Fiefs, &c., are to be held by the Corporation.

intents following, that is to say : the cure of souls within the Parish (*la desserte de la Paroisse*.) of Montreal ; the Mission of the Lake of the Two Mountains, for the instruction and spiritual care of the Algonquin and Iroquois Indians ; the support of the *Petit Seminaire* or College at Montreal ; the support of Schools for children within the Parish of Montreal ; the support of the poor Invalids and Orphans ; the sufficient support and maintenance of the Members of the Corporation, its officers and servants ; and the support of such other religious, charitable and educational institutions as may from time to time be approved and sanctioned by the Governor, Lieutenant Governor, or person administering the Government of the Province, for the time being, and to or for no other objects, purposes, or intents whatsoever.

The said Fiefs and Seigniories vested in the Corporation.

III. And be it further Ordained and Enacted by the authority aforesaid, that all and singular the said Fiefs and Seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and all and every the said Domains, Lands, Buildings, Messuages, Tenements, and Hereditaments, Seigniorial dues and duties, monies, debts, *hypothèques*, real securities, arrears of *lods et ventes*, *cens et rentes*, and other Seigniorial dues, goods, chattels, and moveable property whatsoever, shall be, and the same are hereby vested in the said Corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, hereby constituted; and their Successors, to be had, held, possessed, and enjoyed by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, as the true and lawful owners and proprietors of the same, and of every part and parcel thereof, to the only use, benefit, and behoof of the said Seminary or Corporation, and their successors for ever, for the purposes aforesaid and according to their rules and regulations, now being or hereafter to be in force ; subject, however, to the terms, conditions, provisions, and limitations touching and concerning the same or any part thereof, herein enacted, expressed and contained.

Subject to conditions, &c.

The Corporation are bound to commute with their *censitaires*, &c., whenever required, for all Seigniorial rights, dues and burthens.

IV. And be it further Ordained and Enacted by the authority aforesaid, that the said Corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, hereby constituted, and their successors, shall be, and they are hereby held and bound, whenever thereunto required by any of the *censitaires*, or other person or persons, or body or bodies politic or corporate, who now hold or may hereafter hold any real or immoveable property, *a titre de cens* or *en roture*, within any one or more of the said Fiefs and Seigniories, to consent, to grant and allow, to and in favour of such *censitaire*, person or persons, or body or bodies corporate or politic, requiring the same, a commutation, release, and extinguishment of and from the *droits de lods et ventes*, *cens et rentes* and all feudal and Seigniorial burthens whatsoever, to which

which such *censitaire*, person, or body corporate, holding real or immoveable property in any one or more of the said Fiefs and Seigniories, his, her, or their heirs, successors or assigns, and such real and immoveable property, so by him, her or them held, may be subject or liable to, in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, for a certain price, indemnity, and consideration in that behalf, agreed upon, or to be fixed, ascertained and determined in manner hereinafter provided, which shall be paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, by the *censitaire*, person, or body corporate, requiring such commutation, release, and extinguishment, in manner as hereinafter is directed : Provided always, that no such *censitaire*, person, or body corporate or politic, shall be entitled to, or demand any such commutation, release, and extinguishment, in the behalf aforesaid, until he, she, or they, shall have duly paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, all arrears of Seigniorial rights, dues, and duties, which he, she, or they owed, or may owe, or with which the said land or immoveable property in respect whereof such commutation, release, and extinguishment, may be sought or required, had been, was, or may be then chargeable, or shall have otherwise satisfied them in that behalf by any mode of adjustment agreed upon and concluded.

Proviso respecting arrears

Rates at which the commutations are to be made :—

For *cens et rentes* in the Fiefs and Seigniories.

Lods et ventes in the Seigniorie of Montreal, on lots with buildings exceeding £500 in value.

V. And be it further Ordained and Enacted by the authority aforesaid, that the price, consideration and indemnity, to be paid by any *censitaire*, person, or body politic or corporate, for such commutation, release, and extinguishment, with regard to his, her, or their land, or immoveable property, situate within any one or more of the said Fiefs and Seigniories, to be paid by him, her or them to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall be at and after the rates following, that is to say : That the said commutation of all *cens et rentes*, within all and every the said Fiefs and Seigniories, shall be had and obtained on the payment of such capital or sum of money, as the said *cens et rentes*, reckoned at the legal rate of interest, shall or may represent ; that the said commutation of the *droit de lods et ventes*, upon or in respect of any lot, piece or parcel of land in the said Fief and Seigniorie of the Island of Montreal, having buildings on it and being with such buildings of the value of five hundred pounds currency, or upwards, shall be had and obtained for and during the first seven years which shall elapse after the passing of this Ordinance, upon payment of not more than one twentieth part of the value of such lot, piece or parcel of land and buildings, and at any time at and after the expiration of seven years subsequent to the passing of this Ordinance, and before the expiration of fourteen years from the said time, upon payment of not more than one-eighteenth part of the value of such lot, piece or parcel

Lods et ventes on lots in the City of Montreal, with buildings of less value than £500, and of more than £100.

Lods et ventes on lots in the Fiefs and Seigniories and without the said City, with buildings of less value than £100.

In cases where the value of lots and buildings shall not be fixed by voluntary agreement, to be determined by arbitration.

Arbitrators how to be appointed.

cel of land and buildings, and at any time after the expiration of fourteen years from the said time, upon payment of not more than one-sixteenth part of the value of such lot, piece, or parcel of land and buildings ; that the said commutation of the said *droit de lods et ventes*, upon or in respect of any lot, piece, or parcel of land, situated within the said City of Montreal, whereupon there may be buildings of which the value shall be less than five hundred pounds, and more than one hundred pounds currency, shall be had and obtained, during the said first period above mentioned of seven years after the passing of this Ordinance, upon payment of not more than one-sixteenth part of the value of such lot, piece, or parcel of land and buildings, and at any time after the expiration of the said seven years subsequent to the passing of this Ordinance, and before the expiration of fourteen years from the said time, upon payment of not more than one-fourteenth part of the value of such lot, piece or parcel of land and buildings, and at any time after the expiration of fourteen years from the said time, upon payment of not more than one-twelfth part of the value of such lot, piece, or parcel of land and buildings ; that the said commutation of the said *droit de lods et ventes* upon, for, or in respect of any lot, piece, or parcel of land, situate without the said City of Montreal, in any of the said Fiefs and Seigniories of the Island of Montreal, Lake of the Two Mountains, and Saint Sulpice, or for or in respect of any lot, piece, or parcel of land, within the said City of Montreal, upon which there shall not be buildings of the value of one hundred pounds currency, shall be had and obtained for and during the said first period of seven years after the passing of this Ordinance, upon payment of not more than one-twelfth part of the value thereof, and at any time after the expiration of this period of seven years subsequently to the coming into force and effect of this Ordinance, and before the expiration of fourteen years from the said time, upon payment of not more than one-tenth part of the said value, and at any time after the expiration of fourteen years from the said time on the payment of not more than one-eighth part of the value of such lot, piece, or parcel of land or buildings.

VI. And be it further Ordained and Enacted by the authority aforesaid, that in all cases where the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, their successors, and any of the said *consitaires*, or other person or persons, body politic or corporate, so requiring a commutation, release and extinguishment, in manner aforesaid, shall not, by voluntary agreement, settle and determine the value of any such lots, pieces, or parcels of land and property, with reference to which the said price, consideration money and indemnity, according to the rates hereinbefore established shall be reckoned, such value thereof shall be fixed, ascertained and determined, by the award of arbitrators, in manner following, that is to say:—the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall

shall and may nominate, and in their default so to do, one of the Justices of the Court of King's Bench for the District of Montreal, shall, and may on their behalf, nominate an arbitrator, being an indifferent and disinterested person, and the said *consitaire*, person or persons, or body corporate or politic, respectively, shall and may nominate and appoint one other arbitrator, being also an indifferent and disinterested person, and the said Court of King's Bench for the said District of Montreal, upon a petition or summary application to it made in that behalf, shall and may nominate one other arbitrator, being also an indifferent and disinterested person, which said three arbitrators, after having been previously sworn before any one of the Justices of the Court of King's Bench for the said District of Montreal, (hereby authorized to administer such oath,) well, truly, and honestly, to execute the trust and duty of arbitrators, as aforesaid, and after notice to the parties respectively, of the time and place of their meeting, shall proceed to fix, ascertain and determine the value of the lots, pieces or parcels of land and property, in respect whereof such commutation, release, and extinguishment shall be required: Provided always, that the costs and expenses of such arbitration, shall be borne by the parties in equal shares, and that the said arbitrament and award of the said arbitrators, to be named and appointed as aforesaid, or of any two of them, in and respecting the premises, shall be final, and the same shall be duly returned into, filed, and enrolled in the said Court of King's Bench for the District of Montreal, and shall by such Court be duly confirmed.

Their award to be final, and to be confirmed by the Court of K. B. at Montreal.

The commutation money to be paid to the Corporation, or remain charged on the property at a redeemable quit rent, if it amounts to £100.

VII. And be it further Ordained and Enacted by the authority aforesaid, that upon the rendering and confirmation of the said award, in the behalf and in manner aforesaid, it shall be lawful for the *consitaire*, person or persons, or body corporate or politic requiring such commutation, release, and extinguishment of all Seigniorial and Feudal rights and burthens, as aforesaid, to pay or offer to pay, to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, as and for the price, consideration money, and indemnity for the said commutation, release and extinguishment of all Seigniorial and Feudal rights and burthens, such part of the value of such piece or parcel of land and property, fixed and determined by such award, as according to the rates mentioned in the fifth section of this present Ordinance, should be due and payable in that behalf, or to declare his, her, or their option to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, that the said price, consideration money and indemnity, (provided the same shall amount to no less than one hundred pounds, currency) shall be and remain upon, and shall charge and effect such lot, piece, or parcel of land, or property, at and for a redeemable quit rent, (*à rente constituée et rachetable*) according to the laws of this Province; and that any option in the said behalf so
made

made and declared, shall have the full effect in law, of charging, and affecting such land or property, for such price, consideration money, and indemnity, at a redeemable quit rent, (*à rente constituée rachetable*) to all intents and purposes whatsoever.

When the Seigniorial rights of the Corporation are to be considered as commuted.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that from and after the voluntary settlement and adjustment between the parties, touching the said price, consideration money and indemnity, or from and after the payment or tender of payment to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, of the said price, consideration money and indemnity, reckoned according to such award in that behalf, or from and after a declaration signified to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, by the said *censitaire*, person or persons, or body politic or corporate, of his, her, or their option, that such price, consideration money, and indemnity, reckoned according to such award, shall be and remain upon and charge and affect such lot, piece, or parcel of land and property, at and for a redeemable quit rent (*à rente constituée et rachetable*;) in manner aforesaid, all and every the *droits de cens et rentes, lods et ventes, droit de banalité de moulin, droit de retrait*, and all other Feudal and Seigniorial rights whatever of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, upon, for or in respect of the lot, piece, or parcel of land or property, as to and concerning which such commutation, release and extinguishment may be sought and required, shall be, and be held to be taken and considered for ever commuted, released and extinguished, and such lot, piece, or parcel of land shall be holden and be deemed and considered as holden thenceforth for ever by the tenure of *Franc Aleu Roturier* according to the laws of this Province, and shall never again be granted, surrendered, or holden by any Feudal Tenure whatsoever: Provided always that nothing hereinbefore contained, shall extend or be construed to extend to discharge the lots, pieces or parcels of land, the tenure whereof may be so converted into that of *Franc Aleu Roturier*, from the rights, hypothecs, privileges, reservations and demands of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, charged in and upon the same, for the security and recovery of the price, consideration money, and indemnity, which by reason of the adjustment with the *censitaire*, or person who required such commutation, release and extinguishment, may remain as a charge and incumbrance of such land or property, at a redeemable quit rent, as aforesaid, (for the security and recovery of which prices, consideration money and indemnity, the said Corporation shall have the same legal recourse, privilege and priority of hypothec as they would have had for any right extinguished by such commutation,) or for the security and recovery of any arrears of Seigniorial dues accrued

After commutation the tenure to be that of *Franc Aleu Roturier*.

Proviso respecting the lawful rights, privileges, &c., of the Corporation.

accrued before such commutation, release and extinguishment may have been required, or in any wise to destroy, alter or affect the remedies and recourse at law which the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors might lawfully have had or have taken for the recovery of the same, if such commutation, release and extinguishment had not been made and obtained, but that all and every the lawful rights, *hypothèques*, privileges, actions, demands, recourse, and remedies in that behalf of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and of their successors, be, and the same are hereby saved and maintained.

If the Corporation refuse to execute an Instrument in writing in favour of any *consitaire*, &c. who may have commuted, the Corporation may be impleaded.

And then upon default the Court of K. B. may adjudge the full benefit of such commutation to such *consitaire*, &c.

Rate at which arrears of *lois et ventes* may

IX. And be it further Ordained and Enacted by the authority aforesaid, that if the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall refuse or neglect to make, and execute, to and in favour of any *consitaire* or other person, or body corporate or politic, who shall in manner aforesaid, have paid or tendered payment to them of the amount of the said price, consideration money and indemnity, according to any such award, made in due manner, or who shall have declared his, her, or their option, to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or their successors, that such amount should remain upon and charge and affect the lot, piece, parcel of land and property, and for a redeemable quit-rent, according to the provisions in that behalf hereinbefore contained, an instrument in writing before two Notaries or a Notary, and two witnesses, (at the joint cost of the parties) setting forth such commutation, release and extinguishment of all Seigniorial and Feudal rights, dues, and burthens, and the terms of conditions thereof, according to law, and the respective rights of the parties, it shall and may be lawful to and for such *consitaire*, person or persons, or body corporate or politic aforesaid, to implead the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors in the said Court of King's Bench for the District of Montreal, for the purpose of compelling them to grant to the said *consitaire*, person or persons, or body corporate or politic aforesaid, such instrument in writing as aforesaid, setting forth such commutation, release and extinguishment according to law, and the respective rights of the parties; and upon their default so to do, it shall be lawful for the said Court of King's Bench, and they are hereby required, by their judgment in that behalf, to award and adjudge to such *consitaire*, person or person, or body corporate or politic, the full benefit of such commutation, release and extinguishment, for and in respect of such land or property, according to law, and the respective rights of the parties, with lawful costs of suit.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors,

to be exacted by
the Corporation.

To be paid in
seven equal
and annual in-
stalments, if
the amount ex-
ceeds £41.

Proviso res-
pecting the
non-payment
of instalments
when due.

Proviso res-
pecting opposi-
tions *afin de*
conserver.

sors, shall not for arrears of *lods et ventes*, accrued to them at the time of the coming into force and effect of this Ordinance, or hereafter to accrue and become due to them, according to law, for each mutation in the ownership of any lands and tenements situated within the said City of Montreal, and of which, with the buildings erected thereon, the value shall be the sum of five hundred pounds currency, or upwards, demand and exact more than one-twentieth part of the price and consideration for each sale or conveyance of any such lands and tenements, nor shall they, for each and every mutation, in the ownership of any lands or tenements, situated in the *censive* of any one of the said three Fiefs and Seigniories, and out of the limits of the said City of Montreal, exact or demand more than one-sixteenth part of the price and consideration of the sale and conveyance of such last mentioned lands and tenements; nor shall they, for each and every mutation in ownership of any lands or tenements, situated within the limits of the said City of Montreal, of which, with the buildings thereon erected, the value shall be less than five hundred pounds currency, exact or demand, more than one-sixteenth part of the price or consideration for each sale or conveyance thereof; and further, that all and every such arrears of *lods et ventes* accrued at the time of the passing of this Ordinance according to the respective rates aforesaid, shall not be demandable from any person or persons, owing the same personally or hypothecarily, nor shall any such person or persons, indebted as aforesaid to a greater amount than forty-one pounds currency, be compellable to pay the same to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, except within seven years from the day when this Ordinance shall come into force and effect, in seven equal and annual instalments: Provided always that in default of any person or persons to pay any such instalment or instalments after the same shall become due, and after three months' notice, and a Notarial demand, signified to him or them in that behalf, the whole of such arrears of *lods et ventes*, according to the rates aforesaid, or the remaining unpaid instalments thereof, shall become and be immediately payable to, and demandable by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, from and shall be paid to them by the person or persons who shall owe the same: Provided also that in case the said Ecclesiastics of the Seminary of Montreal, or their successors, shall, before the time when this Ordinance shall come into force, have been obliged to make and fyle any opposition *afin de conserver* in any Court of Judicature in the said District of Montreal, with regard to the lands and tenements, charged and encumbered with, and for the payment of any such arrears, or to the proceeds of any judicial sale thereof, or to applications for judgments of confirmation of title of any such lands or tenements, then and in such case the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, shall be entitled to judgment for and to receive such part only

only of the price and consideration, for each and every mutation in the ownership of such lands and tenements as is herein provided, according to the value and locality thereof; but the amount for which such judgment shall be rendered, shall be payable at the time when it would have been payable if this Ordinance had not been passed; provided, however, that any judgment for any such arrears which shall have been rendered before this Ordinance shall come into force in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, shall and may be executed according to the tenor thereof, as if this Ordinance had not been passed.

Proviso respecting judgments rendered before this Ordinance is in force.

The arrears of *lods et ventes* to be received by and for the use of the Corporation, not to exceed £56,700

XI. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that the total amount to be received by the said Ecclesiastics of the Seminary of Montreal, to their use for the purposes herein specified, as and for arrears of *lods et ventes* due before the passing of this Ordinance, shall in no case exceed the sum of forty-four thousand pounds currency, on real property lying within the Fief and Seigniority of the Island of Montreal; nor the sum of twelve thousand, seven hundred pounds currency, on real property lying within the said Fiefs and Seigniories of the Lake of the Two Mountains and of Saint Sulpice; and any monies received by the said Corporation for any such *lods et ventes*, over and above the said sums respectively, shall be so received for Her Majesty, Her Heirs and Successors, for the public uses of the Province, and shall be paid over by the said Corporation to the Receiver General, and await in his hands the disposal of the Legislative authority of the Province.

And the amount received above that sum to be paid to the Receiver General for the public uses of the Province.

The Farm of St. Gabriel to be alienated in *franc aleu roturier* for ever, within 20 years.

XII. And be it further Ordained and Enacted by the authority aforesaid, that the lot, piece, or parcel of land called the Farm of Saint Gabriel, situated within the said Fief and Seigniority of the Island of Montreal, lying on the west side of the lower road to Lachine, containing about two hundred and seventy arpents, being one of the Domain lands, farms, tenements and hereditaments, secured and confirmed to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, by the second Section of this Ordinance, shall, within the space of twenty years after the passing of this Ordinance, be, by the said Ecclesiastics, alienated and disposed of by public sales, after advertising the same for a month in two of the public Newspapers published in the said City of Montreal, in *Franc Aleu Roturier*, for ever, in such parts and parcels and for such prices, terms, and considerations as to them may seem most meet and advantageous; and for the making of any such alienations and conveyances, the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, are hereby fully and duly licenced and authorized; and if at the expiration of the said twenty years the said Farm of Saint Gabriel, or any parts or parcels thereof, shall yet remain not alienated or disposed

Such parts thereof not alienated as

of

above, to be
forfeited to the
Crown.

of, then and in that case, the said Farm of Saint Gabriel, or such parts or parcels thereof as shall so remain not alienated or disposed of as aforesaid, shall, by the mere lapse of the said period of time and by operation of Law, fall within the provisions of the Laws of Mortmain, and be forfeited to and be vested in Her Majesty, Her Heirs and successors, and be reunited to the Domain of the Crown for ever.

Corporation
are to invest
their dispos-
able monies.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that all and every the monies which may arise from the commutation, release and extinguishment of the Seigniorial rights and burthens, for and in respect of lands, tenements and property, within the *censive* of the said three Fiefs and Seignories, and which may by the provisions and for the purposes of this Ordinance be the property of the said Corporation, and all monies, which shall be received and gotten in, by reason of the sale, alienation or disposal of the said farm of Saint Gabriel, or of any parts or parcels thereof, and which monies as aforesaid, may be disposable, after the necessary expenditure for the uses and support of the said Institution shall have been provided for, shall, by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, be invested in the Public Stocks or securities of the United Kingdom of Great Britain and Ireland, or of its Colonies or Dominions, and not otherwise ; and that the rents, revenues, dividends, and profits of the monies so invested, shall be had, taken and received by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, to be expended in and about the support and management of the said Institution, and in promoting its objects according to the provisions and requirements of this Ordinance : Provided always, that out of the said monies which shall so arise, or shall be, as aforesaid, received and gotten in and collected, it shall and may be lawful for the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, to apply and invest a sum or sums of money, in the whole not exceeding the sum of thirty thousand pounds currency, in *constitutions de rentes* on immoveable property, or in the purchase of houses, lands and tenements, and immoveable property, situated within this Province, in order to create and produce income to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors : Provided always, that in addition to and over and above such real property, producing income, which the said Corporation are hereby authorized to purchase and hold, to the value of thirty thousand pounds, as aforesaid, and no more, they may likewise purchase and hold any other real property, houses, buildings, or tenements, destined for and appropriated to purposes of religion, charity, or education, and producing no income, which may be necessary to accomplish the purposes and objects of the said Corporation, as the same are hereinbefore described and defined.

£30,000 may
be applied in
the purchase of
immoveable
property in the
Province, in
order to pro-
duce income.

The Corpora-
tion may also
hold other real
property pro-
ducing no in-
come.

To furnish a statement of their affairs when required by the Governor.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, shall, whenever and so often as they may be thereunto required by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, lay before him, or before such officer or officers as he shall appoint, a full, clear, and detailed statement of the estate, property, income, debts, and expenditure, and of all the pecuniary and temporal affairs of the said Corporation, in such manner and form, and with such attestation of correctness, as the Governor, Lieutenant Governor, or person administering the Government, shall direct.

Subject to visitation.

XV. And be it further Ordained and Enacted by the authority aforesaid, that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, as to temporal matters, shall continue and be subject to the same powers of visitation, as in the like cases were possessed and exercised by the Kings of France, before the conquest of this Province, and are now possessed and exercised in that behalf by Her Majesty, in right of Her Crown.

Rights and privileges of Her Majesty and others, not to be affected.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that nothing in this present Ordinance contained, shall extend, or be construed to extend, to destroy, diminish, or in any manner to affect the rights and privileges of Her Majesty, Her Heirs and Successors, or of any person or persons, society or corporate body, excepting such only as this Ordinance may expressly and especially destroy, diminish, or affect.

This Ordinance to be deemed a public act.

XVII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be taken and deemed to be a Public Act and Ordinance, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

And is made permanent.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government

Government House, in the City of Montreal, the Eighth day of June, in the Third year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XXXI.

An Ordinance to provide for the improvement of the Roads in the neighbourhood of, and leading to the City of Montreal, and to raise a fund for that purpose.

Preamble.

WHEREAS the state of the Roads in the neighbourhood of, and leading to the City of Montreal, is such as to render their improvement an object of immediate and urgent necessity, and it is therefore expedient to provide means for effecting such improvement, and to create a fund for defraying the expense thereof, and the expenses necessary for keeping the said Roads in permanent repair:— Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" and also by virtue and under the authority of a certain other Act of the same Parliament passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;*" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall and may be lawful for the Governor of the said Province, by Letters Patent under the Great

The Governor
may appoint
Trustees for