

## C A P. III.

An ACT for the Relief of Persons holding Lands or immoveable Property of His Majesty, *En roture*, upon which *Lots et Ventes*, or Mutation Fines are due.

(8th April, 1801)

Preamble.

WHEREAS the Collection of the *Lots et Ventes* now due in the *Censive* of your Majesty's *Domaine* in this Province, to a certain extent and under certain modifications, is just and expedient, but without limitation would be injurious in particular cases. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'*" And it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, by an Instrument or Instruments under his Hand and Seal at Arms, to nominate and appoint five persons to be Commissioners for the due execution of this Act, and of the several powers and trusts reposed under and by virtue thereof; to remove from time to time the said Commissioners, or any of them, and to appoint others, in the place and stead of such as shall be removed, or shall die or resign their trust.

Governor empowered to appoint five Commissioners for the execution of this Act.

To remove them and appoint others in their stead

Governor empowered to appoint a Clerk to the Commissioners.

To remove him and appoint another in his stead.

Commissioners and Clerk to take an Oath.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, in like manner, by an Instrument or Instruments under his Hand and Seal at Arms, to nominate and appoint a Clerk, to the aforesaid Commissioners, and to allow him such reasonable salary as he shall think meet; and from time to time at his discretion, to dismiss and discharge such Clerk, and to appoint another in his place; and the said Clerk, his hereby enjoined faithfully, to execute and perform the services to be of him required, by the said Commissioners, without demanding or receiving for such services, any reward or recompence other than such Salary, as shall be so allowed.

III. And be it further enacted by the authority aforesaid, that the said Commissioners and Clerk, before they shall be capable of acting in the execution of this Act, shall severally take and subscribe before His Majesty's Chief Justice of this Province, or any two of the Puisne Justices of His Majesty's Court of King's Bench, for the District of *Quebec* an Oath to the effect following, that is to say:

The Oath.

I A B. do swear, that I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute, the several trusts and powers reposed in me, under and by virtue of an Act of Provincial Parliament of Lower Canada, intituled, "*An Act for the Relief of Persons holding Lands or Immoveable Property of His Majesty, en Roture, upon which Lots et Ventes or Mutation Fines are due,*" according to the tenor and purport of the said Act, So help me

me, GOD; which Oath so taken and subscribed, shall be filed of record in the Office of the Secretary of this Province.

Commissioners may accept of a pecuniary composition for *Lots et Ventes*

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Commissioners or any three of them, and they are hereby fully and entirely authorized and impowered, to accept of and from any person or persons whatsoever, such pecuniary composition for *Lots et Ventes* or Mutation Fines, which may be due by such person or persons to His Majesty, at the passing of this Act, for any Sale or other Mutation equipolent to the sale of any Lands or Immoveable Property situate in this Province, and held of His Majesty *en Roture*, or be payable to His Majesty, and secured upon any such Lands or Immoveable property, in the possession of such person or persons, and make such relinquishment and remission, upon each of such *Lots et Ventes* or Mutation Fines, as they the said Commissioners, or any three of them, in their discretion, according to the nature and circumstances of each particular case, shall deem just and equitable. Provided always, that nothing in this Act contained, shall authorize and impower, or be construed to authorize or impower the said Commissioners or any of them, to accept of any pecuniary composition or to make any relinquishment or remission, whatever, in any case or cases of Lands or Immoveable property held of His Majesty, *en Roture*, upon which only one *Lots et Ventes* or Mutation Fine is due, or in any case or cases of Sale or of Mutations equipolent to sale of Land, or immoveable Property held of His Majesty *en Roture*, where any specific sum of money or any part of the price of purchase, shall have been reserved, specifically, by contract, in the hands of the Seller or Purchaser, to pay the *Lots et Ventes*; those cases nevertheless excepted, in which such Purchaser or Seller, shall establish to the satisfaction of the said Commissioners or any three of them, that he, she or they, at the time of passing this Act, were not worth more than four times the amount of the *Lots et Ventes*, for the payment of which, such specific sum as aforesaid or such part of the purchase money as aforesaid, shall have been so reserved by him, her or them respectively.

Exception in certain cases.

Exemption in favor of certain Persons.

V. Provided also and be it further enacted, that all and every person or persons, who served in defence of the City of *Quebec*, during the blockade thereof, in the year of our Lord one thousand seven hundred and seventy five, and who were then Proprietor or Proprietors of any house or houses, or other buildings in the said City of *Quebec*, on which any *Lots et Ventes* were then due and owing to the Crown, which house or houses or other buildings were destroyed by fire or otherwise, during the said Blockade, all and every such person or persons, their Widows or heirs, who are now Proprietor or Proprietors of the ground on which such house or houses or other buildings, as aforesaid, were erected, shall be entitled to a full and complete remission and discharge of such *Lots et Ventes* so due, which remission and discharge, the said Commissioners or any three of them, are hereby authorized and required to grant.

The customary abatement allowed where only one *Lots et Ventes* is due.

If paid within 12 Months.

VI. And be it further enacted by the authority aforesaid, that in all cases of Land or Immoveable Property, situate in this Province, and held of His Majesty *en Roture*, upon which only one *Lots et ventes* or Mutation Fine is due, it shall and may be lawful to and for the Receiver General of this Province, and he is hereby required upon payment thereof to him, to make thereon the customary abatement of one third: Provided always, that such *Lots et ventes* or Mutation Fine be paid to the said Receiver General, within twelve Calendar Months, from the passing of this Act, and if the same be not paid to the

If the same is not paid within that time the whole Lots et Ventes to be recovered without deduction.

In all cases of sales, where any Lots et Ventes is due and reserved in the hands of the Purchaser or Seller, for which no composition has been accepted the customary abatement to be made.

If paid, within 12 months

If the same is not paid within that time, the whole Lots et Ventes to be recovered, without any deduction.

In cases, where Lots et Ventes have been reserved in the hands of the Seller &c. the recourse to be by Personal action.

The Commissioners to meet in the City of Quebec and empowered to receive and examine the claims of all Persons for a Remission of Lots et Ventes.

the said Receiver General within the said period of twelve Calendar Months from the passing of this Act, the whole of such *Lots et ventes* or Mutation Fine, shall be due to His Majesty, and shall and may be recovered wholly and entirely, without any deduction or diminution whatsoever, any Law, Usage or Custom to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, that in all cases of Sale or of Mutations, equipolent to sales of Land or Immoveable property held of His Majesty *en Roture*, where any *Lots et ventes* or Mutation Fine is due, which hath been reserved, specially by contract, in the hands of the Seller or Purchaser, as aforesaid, for which a composition has not been accepted by the said Commissioners, by virtue of this Act, it shall and may be lawful to and for the Receiver General of this Province, and he is hereby required, upon payment thereof, to him, to make the customary abatement of one third. Provided always, that such *Lots et ventes* so reserved, be paid to the said Receiver General, within twelve Calendar Months, from the passing of this Act, and if the same be not paid to the said Receiver General, within twelve Calendar Months from the passing of this Act, the whole of such *Lots et ventes* or Mutation Fine, so reserved, shall be due to his Majesty, and shall and may be recovered wholly and entirely, without any deduction or diminution whatever, any Law, Usage or Custom to the contrary notwithstanding. Provided also, that in all cases where such *Lots et ventes* or Mutation Fines, have been so reserved in the hands of the Seller or Sellers, the recourse of His Majesty, for the recovery of such *Lots et ventes*, shall be, by personal Action against such Seller or Sellers only, without any recourse whatever, against his widow or his heirs, nor against the Lands or immoveable property upon which such *Lots et Ventes*, so reserved, in the hands of such Seller, are secured; which Lands and immoveable property, from such *Lots et Ventes* so reserved, in the hands of such Seller or Sellers, shall, by virtue of this Act, be wholly free, discharged and exonerated, any Law, Statute, Usage or Custom to the contrary notwithstanding.

VIII. And for the better execution of this Act, be it further enacted by the authority aforesaid, that the said Commissioners, or any three of them, shall have power to meet and sit from time to time, in such place, as they shall find most convenient in the City of Quebec, with or without adjournment, and all persons shall be at liberty, to deliver their respective claims, for a relinquishment and remission upon any *Lots et Ventes* or mutation fines, which at the passing of this Act, shall by such persons, respectively, be due or owing to His Majesty, for any sale or mutation equipolent to the sale of any lands or immoveable property, situate in this Province, and held of His Majesty *en Roture*, or be secured to His Majesty, upon any such Lands or immoveable property, in the possession of such person or persons, to the said commissioners, in writing, who shall cause the same to be filed and preserved among their proceedings; and the said Commissioners, shall also have power, to hear such persons upon their respective claims, by themselves or by their certain attorney, lawfully appointed, when they or any of them shall require it, to send their precept or precepts, under their hands and seals, for such witnesses, as they the said Commissioners or any three of them, shall think necessary to examine, and in like manner, to call before them or any three of them, all officers and other persons concerned in the management, collection or receipt of casual and territorial revenue of the crown in this Province, and every and any part thereof, and them the said witnesses, officers and other persons, upon the subject matter of any claim pending.

pending before them the said Commissioners, to examine upon Oath (which oath they the said Commissioners or any three of them are hereby authorized to administer;) with full power and authority to inspect, peruse and have copies of all and singular papers and records, maps, *Terriers*, accounts and other written Documents, which in any manner or way relate to or concern the said subject matter of such claims or any of them, in the custody or power of any public officer or office, without payment of any fee or reward whatever, for such inspection, perusal or copies. And if any person or persons who shall be examined upon oath or shall make any affidavit or deposition on oath, touching or concerning the subject matter of any such claim or claims, shall be guilty, of falsely and wilfully swearing to any matter or thing, which if the same had been sworn in any cause or suit in any of His Majesty's courts in this Province, would have amounted to wilful and corrupt perjury, every person so offending and being thereof convicted, shall incur the same penalties and forfeitures as by the Laws and Statutes of this Province are provided, against persons convicted of wilful and corrupt perjury.

Penalty on persons guilty of false swearing.

Commissioners may allow, a certain time for payment of Lots et Ventes, where composition has been accepted.

IX. And be it further enacted by the authority aforesaid, that in all cases, wherein by virtue of this Act, any pecuniary composition, as aforesaid, shall in manner aforesaid be accepted by the said Commissioners; it shall and may be lawful to and for the said Commissioners, or any three of them to allow such time for the payment thereof, into the hands of the Receiver General of this Province, as they the said commissioners, or any three of them, shall see fit; and in all cases whatever, by virtue of this Act, wherein a pecuniary composition as aforesaid shall in manner aforesaid be accepted by the said Commissioners, a certificate thereof shall be granted by the said Commissioners, or any three of them, which shall be expressed in the words following, or as near thereto as may be, that is to say, By the commissioners appointed by the Act of the Provincial Parliament, intituled, "*An Act for the Relief of persons holding lands or immoveable property of His Majesty en Roture upon which Lots et Ventes or mutation fines are due*", "*These are to certify, that the said Commissioners have agreed on the part of His Majesty to accept from A. B. as and for a composition for all Lots et Ventes due and owing at the time of passing the said Act, by the said A. B. to His Majesty in consequence of,*" (here enumerate the different sales or Acts equipolent to sales, upon which the Lots et Ventes for which the composition is accepted, have arisen, and briefly describe the property sold) "*the sum of \_\_\_\_\_ current money of this Province, to be paid by the said A. B. into the hands of the Receiver General of this Province in \_\_\_\_\_ from the day of the date hereof. Given under the hands of the said Commissioners at the City of Quebec and dated the day of \_\_\_\_\_;*" and at the foot or on the back of the said certificate shall be subscribed or indorsed the following words, or as near thereto as may be, "*I A. B. with n or above named, do hereby acknowledge that the several Lots et Ventes within or above enumerated making in the whole £ \_\_\_\_\_ current money of this Province, are due and owing to His Majesty, by me, and secured upon the property within described (if such be the case) and I do hereby agree to the composition accepted by the (within or above mentioned) Commissioners, and to the terms and conditions for the payment thereof contained in the (within or above written) certificate and in the Act therein mentioned. Given under my hand the \_\_\_\_\_*" which said certificate subscription and indorsement, shall be signed by three or more of the said Commissioners, and by the person or persons to whom such certificate shall be so given and granted, respectively in the presence of two lawful witnesses, who shall subscribe their names, as well to the said certificate, as to the

The certificate.

said subscription or indorsement, and the said certificate and subscription or indorsement shall in manner aforesaid, be executed double, and one such certificate with such subscription or indorsement, executed as aforesaid, shall be delivered to the person or persons in whose favor such certificate shall be given, and the other certificate, with such subscription or indorsement executed as aforesaid, shall be kept by the said Commissioners and shall be filed and preserved among their proceedings; and upon payment of the sum of money in the said certificate mentioned in the time therein mentioned to the Receiver General of this Province, the said Receiver General at the foot or on the back of such certificate, shall subscribe or indorse a receipt therefor, which shall be in the words and figures following, or as near thereto as may be, that is to say,

“ Received the \_\_\_\_\_ day of \_\_\_\_\_ of and from A. B. above (or within) named, the sum of \_\_\_\_\_ Current money, of the Province of Lower Canada, being the composition money expressed in the above (or within) written certificate,” signed E. F. Receiver General: which said receipt shall be also signed in the presence of two lawful witnesses; and such certificate and receipt, shall be entered at length of record by the said Receiver General in a book by him for that purpose to be kept, and such certificate and receipt being so executed by the said Commissioners, and by the said person or persons, and so entered of record, by the said Receiver General, shall effectually free, exonerate and discharge, as well the said person, or persons to whom the said certificate and receipt shall be so given and granted, as the lands or other immoveable property held *en Roture* of His Majesty, and to which the said certificate shall relate, of and from all, each and every the *Lots et Ventes* or mutation fines due or owing to His Majesty, upon the several sales, or Acts equipolent to sales, enumerated in such Certificate, and neither such Person or Persons whatsoever, nor such Lands or Immoveable Property, shall at any time afterwards, be liable to or called upon, sued, troubled, molested or questioned for or in respect of such *Lots et Ventes* or Mutation Fines, or any or either of them, or any part thereof; Provided always nevertheless, that if the sum of money in such Certificate mentioned, shall not be paid to the said Receiver General, within the time therein limited, the said Certificate from and after the day therein limited for the payment of the sum of money, therein mentioned, shall be absolutely null and void, to all intents and purposes whatsoever, as if the same had never been made, and all and each and every the *Lots et Ventes*, upon the several Sales or Acts equipolent to Sales, in the said Certificate mentioned, shall be due to His Majesty, and shall and may be recovered wholly and entirely, without any deduction or diminution whatsoever, any Law, Usage or Custom to the contrary notwithstanding.

Upon payment  
Receipt to be given.

The Receipt

Certificate and  
Receipt to be entered of record.

Certificate and  
Receipt so entered, to exonerate and discharge, as well the Persons to whom given as the Lands &c.

If the money mentioned in the Certificate is not paid, within the time limited, the certificate to be null and void.

Persons convicted of Forging counterfeiting &c. the certificate or receipt &c. guilty of Felony.

X. And be it further enacted by the authority aforesaid, that if any Person or Persons, shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited or willingly or knowingly act or assist in the false making, forging or counterfeiting, of any such Certificate or Receipt, as aforesaid, or shall counterfeit the Signature or Signatures of the said Commissioners or of any or either of them, or of the Receiver General of this Province for the time being, to any such Certificate or Receipt, or shall alter or erase any authentic Certificate or Receipt, made and executed by the said Commissioners or by the said Receiver General, respectively, or shall utter or publish, as true, any such false, forged, counterfeited, altered or erased Certificate or Receipt, knowing the same to be false, forged, counterfeited, altered or erased; all and every such Person or Persons being thereof in due form of Law convicted, in  
either

either of His Majesty's Courts of King's Bench in this Province, shall be adjudged guilty of Felony.

Powers of the Commission: is limited to one year.

At the expiration of that period the Proceedings &c, to be delivered unto the Clerk of the Papier Terrier.

XI. And be it further enacted by the authority aforesaid, that the Powers hereby vested in the said Commissioners, shall continue and be in force for the term of one year, from the day on which this Act shall receive His Majesty's Royal Assent, and that at the expiration of the said period of one year, the proceedings of the said Commissioners and all Papers thereunto relating in their possession and custody, shall by them be delivered in the Office of the Clerk of the *Papier Terrier* of the King's *Domaine* in this Province, there to remain for ever of Record.

¶ Monies recovered under this Act, how to be accounted for.

XII. And be it further enacted by the authority aforesaid, that all such monies as shall be collected by virtue of this Act, shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty shall direct.

#### C A P. IV.

An Act to explain and amend the Law respecting Last Wills and Testaments.

(8th April, 1801)

Preamble.

WHEREAS by the Act of the Fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual Provision for the Government of the Province of Quebec in North America,*" it is enacted, that every owner of Lands, Goods or Credits in the said Province, who has a right to alienate the said Lands, Goods, or Credits in his or her life time, by Deed of Sale, Gift or otherwise, may devise or bequeath the same at his or her Death, by his or her Last Will and Testament, any Law, Usage or Custom, heretofore or now prevailing in the said Province to the contrary hereof in any wise notwithstanding, such Will being executed, either according to the Laws of Canada, or according to the forms prescribed by the Laws of England. And Whereas doubts and difficulties have arisen in this Province, touching the true intent and meaning of the said Act, in this respect: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act, passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign,*" intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,*" And it is hereby enacted by the Authority of the same, that it shall and may be lawful, for all and every Person or Persons, of sound intellect and of age, having the legal exercise of their rights, to devise or bequeath by Last Will and Testament, whether the same be made by a Husband or Wife, in favor of each other, or in favor of one or more of their Children, as they shall see meet, or in favor of any other Person or Persons whatsoever, all and every his or her Lands, Goods or Credits, whatever be the tenure of such Lands, and whether they be, *Propres, Acquets* or *Conquets*, without

Clause in Act 24 Geo. III. recited.

Persons having the legal exercise of their Rights, may devise or bequeath by last will and testament their Estates &c.