

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.

**W**HEREAS 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.

Husband or Wife not to devise or bequeath more than his or her share of the community or other property, or prejudice the rights of the survivor or the customary dower of the children.

Persons restricted from devising in favor of corporations, &c. in mortmain unless intitled to accept the same.

The method of proving Wills now followed in this Province to have the same force as if made and taken before Court of a Probate.

without reserve, restriction or limitation whatsoever, any Law, Usage or Custom to the contrary hereof in any wife notwithstanding. Provided always, that it shall not be lawful for a Husband or Wife, making such Last Will and Testament, to devise or bequeath more than his or her part or share of their Community, or other Property and Estate, which he or she may hold, or thereby to prejudice the rights of the survivor, or the customary or settled Dower of the Children. Provided also, that the said right of devising, as above specified and declared, shall not be construed to extend to a devise by Will and Testament, in favor of any Corporation or other Persons in Mortmain, unless the said Corporation or Persons be, by Law, intitled to accept thereof.

II. And whereas doubts have arisen touching the method now followed of proving Last Wills and Testaments, made and executed according to the forms prescribed by the Laws of England, before one or more of the Judges of the Courts of Civil Jurisdiction in this Province: Be it therefore further enacted, that such proof, shall have the same force and effect, as if made and taken before a Court of Probate.

C A P. V.

An ACT to ratify and confirm certain Provisional Articles of Agreement entered into by the respective Commissioners of this Province and of Upper Canada, at Quebec, on the second day of February, one thousand eight hundred and one, relative to Duties, and for carrying the same into effect; and also to continue an Act passed in the thirty seventh year of His Majesty's Reign.

( 8th. Apri', 1801. )

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS Articles of Provisional Agreement were made and entered into, at Quebec, on the second day of February in the forty first year of your Majesty's Reign, by the Commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof; passed in the fortieth year of your Majesty's Reign, intituled, " An Act for appointing Commissioners to treat with Commissioners appointed or to be appointed by the Province of Upper Canada, for the purposes therein mentioned," and the Commissioners nominated and appointed on behalf of the Province of Upper Canada by His Excellency Peter Hunter, Esquire, Lieutenant Governor of the said Province, by Commission, bearing date the twenty third day of July in the fortieth year of your Majesty's Reign, in pursuance of and under the authority of an Act passed in the thirty sixth year of your Majesty's Reign, intituled, " An Act to authorize the Lieutenant Governor to nominate and appoint Commissioners for the purposes therein mentioned," which Articles are as follows—

Act 4<sup>o</sup> Geo. III. Cap. IV.

Agreement of 28th. January 1797, continued.

It. The said Commissioners having met and communicated to each other their respective Powers and Authorities, and having taken into consideration and maturely deliberated upon the objects of their appointment, have unanimously agreed, That as