

The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

3 George IV – Chapter 14

An Act for the relief of certain Censitaires or Grantees of La Salle, and others therein-mentioned, possessing Lands within the limits of the Township of Sherrington. (22d March, 1823.)

Whereas the Seigniors [Seigneurs] of the Seigniorie [Seigneurie] of La Salle, and of the adjacent Seignories in the District of Montreal, have heretofore, at various times, from the year one thousand seven hundred and sixty-six, to the year one thousand eight hundred and five, made Grants or concessions of Lands which are found to be situated within the limits of the Township of Sherrington, adjacent to the said Seigniorie of La Salle, and created by Letters Patent of His Majesty, bearing the date the twenty-second day of February, one thousand eight hundred and nine; And whereas since the said year one thousand eight hundred and nine, differences have arisen between certain Grantees of Lands in the said Township of Sherrington, holding under several Letters Patent of the Crown, issued since the said twenty-second day of February, one thousand eight hundred and nine, and a large number of persons, the actual Possessors of those Lands, as having obtained them by Grants from the said Seigniors of La Salle, or from the Seigniors of the adjacent Seignories before the aforesaid year one thousand eight hundred and nine, or as holding them by purchase or other title transferring property, (translatif de propriété,) from the original Grantees thereof; and that the said Grantees of the Crown, or their representatives, have, at various times since the said year one thousand eight hundred and nine, instituted and are carrying on actions, to the number of five hundred, or thereabouts, at present pending in the Courts of Justice of this Province, and especially, in the Superior Terms of the Court of King's Bench for the District of Montreal, with a view of dispossessing the said persons claiming as Tenants of La Salle, or of the said adjacent Seignories; And whereas, by the Report of the Commissioners appointed by His Grace the late Duke of Richmond, Knight of the Most Honorable Order of the Garter, then Governor in Chief of the Province of Lower-Canada, and charged by special Commission, bearing date the thirty-first day of May, one thousand eight hundred and nineteen, to enquire into, and make report upon, the rights, titles and claims of the persons claiming as Tenants of La Salle, or the said adjacent Seignories, it appears that the said persons claiming as Tenants are possessors in good faith of the Lands which they respectively occupy within the limits of the said Township of Sherrington; That great part of the said Lands is under high cultivation, and by its various clearings, buildings, houses and other improvements, is shown to be a Country long settled, and having a considerable population; And whereas in consequence of the humble representations made by the Legislature of this Province to His Majesty, concerning the deplorable and extraordinary situation of the aforesaid persons claiming, as Tenants of La Salle on the said adjacent Seignories, it hath pleased His Most Gracious Majesty in his Royal Beneficence and Paternal Justice, to manifest his intention, that the said Tenants be maintained in their possession of the Lands above-mentioned, and that, to that end it is just and reasonable that the Legislature should come to the relief of the said Censitaires, possessors of Lands in the said Township, and maintain them for the future, in the quiet possession and enjoyment of the same, and put an end to the disturbance of which they complain; And whereas it hath pleased His Excellency the Governor in Chief, with a view of carrying into effect His Majesty's

benevolent intentions, to make offers of indemnification to the said Grantees of the Crown, or their Representatives, who have as aforesaid obtained, in the said Township of Sherrington, Lands or parcels of Land which are found to be now, or which were, in the said year one thousand eight-hundred and nine, in the said persons claiming as Tenants of La Salle, or the said adjacent Seigniories, which offers have been accepted, under certain conditions by all parties interested, except as to the costs by them incurred in the Courts of Justice, it is just to facilitate to His Majesty's Government in this Province, the means of terminating all the differences which exist between the said persons, claiming as Tenants of La Salle, or of the said adjacent Seigniories, and the said Grantees of the Crown, by rendering justice to all parties interested; 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 fourth 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 the Governor, Lieutenant-Governor, or person administering the Government of this Province, by an instrument under the Great Seal of the Province to annul, revoke and declare, and render void and of no effect the said Letters Patent bearing date the twenty second day of February in the said year one thousand eight hundred and nine, and certain other Letters Patent bearing date the twenty-ninth day of May, in the same year, and granting certain parts of the said Township of Sherrington, and also certain other Letters Patent bearing date the thirtieth day of December, in the year one thousand eight hundred and twelve, granting certain other parts of the said Township of Sherrington, as far as the said Letters Patent respectively relate to the Lands occupied as aforesaid by the persons claiming as Tenants of La Salle, or of the said adjacent Seigniories, and to the Crown Reserves comprised and lying within the same, and also as far as the said Letters Patent respectively relate to any other Lands in the said Township, which the said Grantees or their legal Representatives owning the same, may wish to hold in Fief and Seignior, in the manner hereinafter-mentioned, or to any part of the Crown Reserves lying within the said last-mentioned Lands, which the Governor, or person administering the Government of this Province shall think it necessary to surrender, for effecting the purposes of this Act; and the said Letters Patent shall, with respect to all such Lands herein-mentioned, be held and considered, from and after the revoking and annulling thereof in manner aforesaid, to be of no force, validity, or effect in Law whatsoever.

II. Provided always and it is hereby expressly enacted by the authority aforesaid, that nothing herein contained shall extend to be construed to extend in any manner or way whatsoever, to authorise the annulling, revoking or avoiding the said Letters Patent, as far as the same respectively relate to certain reservations of Land thereby made for the maintenance and support of a Protestant Clergy in the said Province, but that with respect to all such reservations, the said Letters Patent shall respectively remain in full force and effect.

III. And be it further enacted by the authority aforesaid, that when the said Letters Patent shall have been in part revoked in manner aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government, by other Letters Patent under the Great Seal of this Province, to re-grant to the said grantees or their legal representatives, in Fief and Seignior, en

franc aleu with all Seigniorial rights, privileges and prerogatives, as well the said lands occupied as aforesaid by the said persons claiming as tenants of La Salle, or of the said adjacent Seigniories, save and except the Clergy Reserves comprised therein, as any other Lands within the said Township in respect of which the said Letters Patent shall have been revoked and annulled in the manner herein before mentioned, with power to the said grantees or their legal representatives respectively, without limitation or restriction to alienate or dispose of such lands or any part thereof, either freely and absolutely, or for such rents, reservations and acknowledgments, and on such terms and conditions, or in such other manner as they shall think proper, together with thought of exacting, recovering and receiving all such cens et rentes, Lods et Ventes, Redevances and other Seigniorial dues and rights whatsoever, which shall or may have accrued or become payable since the said twenty-second day February, one thousand eight hundred and nine, by the said persons claiming as Tenants of La Salle, under and by virtue of the Deeds of Grant Titres de Concession, or by virtue of any other right or title, by or under which they have held or now hold such lands.

IV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall in any manner affect or alter the rights, claims or demands which any of the said original grantees of lands in the said Township of Sherrington, now have in Law against any person or persons who have purchased or acquired any part of the said Lands and have not yet paid the purchase money or consideration for the same, or still owe any part, thereof. And the rights, claims and demands of such vendors, as bailleurs de fonds, are hereby expressly reserved to them, as well upon and in respect to the lands which shall or may, in virtue of this Act, be erected in fief and Seigniorie, en franc aleu, in manner aforesaid, as upon and in respect to any lands which shall, in virtue hereof, be granted to the said purchaser or purchasers as an indemnification as aforesaid.

V. And be it further enacted by the authority aforesaid, that when and so soon as the said Letters Patent shall have been in part revoked and annulled, and new Letters Patent issued in the manner herein-before mentioned and provided, all and every the persons and their representatives who possessed and had acquired Lands by concession, and as Tenants of La Salle, or of any of the said adjacent Seigniories, before the said year one thousand eight hundred and nine, and whose land are found to be within the limits of the said Township of Sherrington, shall from thenceforth be and remain in the quiet possession and enjoyment of those parts of the said lands so occupied by them in respect of which the said Letters Patent shall have been revoked in manner aforesaid, by the same tenure, and upon the same condition, and in the same manner as they now respectively hold the same, either by their several deeds of concession, or other titles transferring property, translatifs de propriété, or by prescriptive possession according to Law, and they shall thenceforth be held and deemed to be the just and lawful proprietors of such parts of the said lands, and shall not thereafter in any manner or way be dispossessed of the same, except for lawful cause.

VI. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be understood to deprive the said grantees of the Crown, or their Representatives, of any further indemnification which they may have a right to claim from His Majesty's Government, in consequence of any arrangement made or entered into with the Censitaires of La Salle, with the knowledge and concurrence of His Majesty's Government, under and by virtue of this Act.

VII. And be it further enacted by the authority aforesaid, that this present Act, shall not be of any effect, until the consent of the grantees of the said Township of Sherrington, or of the assignees, or other representatives of such grantees of the said Township of Sherrington, to the revocation in part of the said Letters Patent, in so far as herein is provided and allowed, shall be given in writing under their signatures, and by the order of the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, shall be deposited and fyled of record in the office of the Clerk of the Parliament.