

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1796. Fredericton: Christopher Sower, Printer to the King's Most Excellent Majesty, 1796.

36 George III – Chapter 4

An Act for Preventing unnecessary Expense and delay in the Process of barring Entails, and for establishing a plain and easy Form of conveying and alluring Estates-Tail. Passed the 12th March, 1796.

Whereas, the ill consequences of fettered Inheritances, and the utility and expedience of setting them at liberty, are now generally allowed; and the state of this Colony renders the practice of docking and barring Estates-Tail by Fines and Common Recoveries very burthensome.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for any person or persons, as well *Femes Covert* as others whomsoever, by Deed of Bargain and Sale duly made and executed, and proved or acknowledged, and registered according to the form of the several acts of the General Assembly in such cases heretofore made and provided, to grant, bargain, sell, and convey any lands, tenements, or hereditaments whereof such person or persons is, are, or shall be, in any ways seized of any Estate-Tail, in possession, reversion, or remainder, and whereof no reversion or remainder is, or shall be in the King's Majesty his Heirs and Successors of the gift or provision of His Majesty, his Progenitors, his Heirs or Successors, to any person or persons; to hold the same to them and their Heirs in Fee-Simple absolute and unconditional, as fully, and freely to all intents and purposes, as such Grantor or Grantors, Bargainor or Bargainors might or could by law grant, bargain, sell, and convey any Estate Inheritance in Fee-Simple of which he, she, or they were or might be seized in possession, reversion, or remainder; and that all and every such Grants, Bargains, Sales, and Conveyances, having words sufficient to pass the Fee-Simple in such lands, tenements and hereditaments, so made and executed, proved by acknowledged, and registered as aforesaid, shall be good and available in the law to the said Grantee and Grantees, Bargainee and Bargainees, and their Heirs and Assigns, against the said Grantor and Grantors, Bargainor and Bargainors and against all and every the Issues of their bodies, and against all and every person or persons whomsoever whom the said Grantor or Grantors, Bargainor or Bargainors by Fine with proclamations duly levied, or by common Recovery duly suffered, or both, or either such Fine and Recovery, or other ways or means, might cut off, or debar from any Remainder, or Reversion, Rent, Profit, Charge, Right, Title, or Possibility of, in, or unto all and any the said lands, tenements and hereditaments.

II. Provided always, and be it further enacted, That in all cases of Grants, Bargains, Sales, and Conveyances of such Estates-Tail by *Femes-Covert*, the acknowledgement of the Deed or Conveyance, and the examination of the *Feme-Covert* who executed the same, shall be had, taken and certified in manner and form as is prescribed and provided for the taking of the examination and acknowledgement of Deeds of *Femes-Covert* by the act of the General Assembly made and passed in the twenty seventh year of the Reign of our Sovereign Lord the present King, intituled "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims for Dower" or in case such *Feme-Covert* do not live within this Province, then such acknowledgement

and examination shall and may be had, taken and certified in manner and form as is provided in and by the act of the General Assembly made and passed in the thirty second year of the Reign of our said Sovereign Lord the King, intituled "An Act for the more effectually Securing the Title of Purchasers of Real-Estates against Claims of Dower, and also to enable *Femes-Covert* more easily to convey any Real-Estate they may hold in their own Right" and in all cases the examination of such *Feme-Covert* shall be had and made separate and apart from her husband.