

Court of Sessions
St. John's
Proviso in sec. 1 disallowed by the King



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XVIII.

*An ACT for declaring all Landed Property, in
Newfoundland, Real Chattels.*

[12th June, 1834.]

WHEREAS the Law of Primogeniture, as it affects Real Estate, is inapplicable to the condition and circumstances of the People in this Island: And whereas the partibility of small Estates, by Descent in Coparcenary, or otherwise, would tend to diminish the value thereof, and would, in its application, be attended with much expense and inconvenience: *Be it therefore enacted*, by the Governor, Council, and Assembly, of Newfoundland, in Parliament assembled, that all Lands, Tenements, and other Hereditaments, in Newfoundland and its Dependencies, which, by the Common Law, are regarded as Real Estate, shall, in all Courts of Justice in this Island, be held to be Chattels Real, and shall go to the Executor or Administrator of any Person or Persons Dying seized, or possessed thereof, as other Personal Estate now passes to the Personal Representatives, any Law, Usage, or Custom to the contrary, notwithstanding: *Provided always*, that no Executor or Administrator shall bargain, sell, demise, or otherwise depart with any Estate or Interest therein, for a longer period than One Year, without the direction of the Supreme Court of this Island, first given for that purpose.

Preamble.

Lands, &c. which are regarded as Real Estate, to be Real Chattels.

Proviso.

II.—*And be it further enacted*, that all Rights or Claims which have heretofore accrued in respect to any Lands, or Tenements in Newfoundland, and which have not already been adjudicated upon, shall be determined according to the Provisions of this Act: *Provided always*, that nothing herein contained, shall extend to any Right, Title, or Claim to any Lands, Tenements, or Hereditaments derived by descent, and reduced into possession, before the passing of this Act.

Rights or Claims, heretofore accruing, to be determined according to this Act.