

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbishire & George Desbarats, 1849.

12 Victoria – Chapter 198

An Act to secure Titles to Real Estate to certain Persons Naturalized under the Statute of Lower Canada, 1st Will, the IV, Chap. 53.

30th May, 1849.—Presented for Her Majesty's Assent, and Reserved for the signification of Her Majesty's pleasure thereon.

6th October, 1849.—Assented by Her Majesty in Privy Council.

23d November, 1849.—The Royal Assent signified by the Proclamation of His Excellency the Earl of Elgin and Kincardine, Governor General.

Whereas an Act of the Legislature of that part of the Province which heretofore constituted the Province of Lower Canada, was passed in the First year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural-born British Subjects*; and whereas notwithstanding the express terms of the said Act and the declared and manifest intentions of the Legislature to confer upon the classes of individuals mentioned in the same, the right to take, hold, possess, convey and transfer Real Property in the said part of the said Province, to all intents and purposes as if they had been born in the United Kingdom of Great Britain and Ireland, divers suits at Law and other proceedings have been brought, taken and had to disturb certain persons entitled to the benefit of the said Act, in the enjoyment of Real Property secured to them under and by virtue of the same: And whereas it is just and right to quiet the Titles to such Real Property so held as aforesaid, and to protect the holders thereof from vexatious proceedings: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all parties who have duly complied with the requirements of the said above-recited Statute of Lower Canada, shall be, and they are hereby confirmed and maintained in the enjoyment of all Real Property which was in their actual occupation and enjoyment at the time of the passing of the said Act, and which at any time before had been devised and bequeathed to them by Will, Deed or Gift, or otherwise, or of which they took possession and enjoyed in fact, as if they had been legal Heirs of their deceased parents being Aliens, and in all Rights, Title and Interest in and to such Real Property, and the rents, issues and profits thereof as fully, to all intents and purposes, as any Natural-born Subject of the Crown of Great Britain and Ireland might, and could, and may, and can take, hold and enjoy Real Property devised or bequeathed to him or them, or coming to him or them by right of descent and inheritance; any Law, Statute, Usage, Judgment, Execution, Process or Proceedings whatever to the contrary notwithstanding.

II. And be it enacted, That it shall be lawful for any party or parties having so complied with the Statute of Lower Canada as aforesaid, and Naturalized by virtue thereof, who by reason of or upon the ground of his or their having been or being an Alien or Aliens, is or shall be disturbed or who may since the passing of that Act have been disturbed on such ground as aforesaid, in the actual enjoyment and occupation of any Real Property by him claimed under the said Statute as Heir, Devisee, Donee or Grantee of his father or mother being Aliens, by any party or parties claiming under any Judgment, Order, Decree, Writ, Process or Proceedings of any Court or Courts of Justice which may have been at any time heretofore, or may be at any time hereafter rendered by order thereof, to apply by petition to any Court of Queen's Bench, in the said part of this Province which was heretofore Lower Canada, and upon proof by affidavit or otherwise, that the said party petitioning hath been Naturalized under the said Statute, and upon proof of service of a copy of such petition upon the adverse party or parties at least Twenty-one days before the day of presenting such petition, it shall be the duty of any such Court of Queen's Bench to make an Order to quash all Writs of Execution and all proceedings under colour of any Judgment or Judgments, or of such Writs and Process, by which such petitioner may be disturbed in or deprived of the enjoyment and possession of any Real Property so by him claimed, held, occupied and enjoyed under the said Statute as Heir, Devisee, Donee or Grantee of his father or mother being Aliens, and upon the making of the said Order all proceedings whatever under such Judgments, Writs and Process shall surcease and determine, and the said Writs and Process shall be quashed and annulled and set aside.

III. And be it enacted, That nothing in this Act contained shall prevent any remedy at Law which any party may now have to enforce the payment of costs awarded under and by virtue of any Judgment or Judgments against any other party Naturalized under the said Statute, and otherwise entitled to claim the protection under this Act, but that every remedy which the party having an award of costs now hath or is entitled to exercise, shall continue to be exercised in the same manner and form as if this Act had never been passed.