

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

12 Victoria – Chapter 49

An Act to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act the better to facilitate Optional Commutation of the Tenure of Land en roture, in the Seignories and Fiefs in Lower-Canada, into that of franc-alleu roturier*. 30th May, 1849.

Whereas by the Law of Lower-Canada, a fine has always been payable to the Sovereign, upon the acquisition, by any Religious or Ecclesiastical Community, or other Corporate Body, of any Seignior or Fief therein, as an indemnity for the loss of the casual profits of such Seignior or Fief, in consequence of the same being thereafter held in mortmain; And whereas it is neither just nor expedient that such Religious or Ecclesiastical Community, or other Corporate Body, after having paid such fine or indemnity, or after the same having been graciously remitted to them by Her Majesty or any of Her Royal Predecessors, or Successors, should be liable to pay a further fine or indemnity upon the Commutation of the Tenure of any land held *en roture* in any such Seignior or Fief; And whereas it is expedient to amend an Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act the better to facilitate Optional Commutation of the Tenure of Lands en roture, in the Seignories [Seigneuries] and Fiefs in Lower-Canada, into that of franc-alleu roturier*, in this particular, and also in so far as the same unnecessarily imposes upon the vassals (*censitaires*) of such Religious or Ecclesiastical Communities or other Corporate Bodies, holding Seignories or Fiefs in mortmain in Lower-Canada, conditions and restrictions as to Commutation of the Tenure of their Lands, more onerous than those imposed upon the vassals (*censitaires*) of other Seignories: 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 so much of the said Act as requires, or may be construed to require, that any Religious or Ecclesiastical Community, or other Corporate Body in Lower-Canada, holding in mortmain Seignories or Fiefs therein, should give in to the Receiver-General of this Province any authentic copy of any notarial agreement executed in virtue of the provisions of the said Act, or be liable to pay over into the hands of the said Receiver-General, any portion of the indemnity, commutation money, or consideration received or to be received in pursuance of any such agreement, or incur any penalty or forfeiture for neglecting or refusing so to do, and also so much of the said Act as enacts that the commutation of any Seigniorial rights held in mortmain shall be accompanied by the same formalities as the alienation of any immoveable property of the same party, and provides that such commutation shall be made for an annual rent, and not otherwise, be and the same are hereby repealed.

II. And be it enacted, That the commutation of any Seigniorial rights held in mortmain, or by any Corporation in Lower-Canada, may be made without having previously obtained authority for so doing, and that no other formality need be observed than such as is required in the transfer of real

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property from one person to another; and that such commutation may be made for any consideration that may be agreed upon; and that no portion of such consideration shall be payable to Her Majesty, Her Heirs or Successors.