

Answers and Returns hereby required shall be transmitted to the Office of the Chief Secretary, to be digested, and an Abstract thereof laid before Parliament.

VI. And be it further enacted, That all Answers and Returns of the Particulars comprised in the Schedule and Explanations to be prepared and issued under and by virtue of the Provisions of this Act, shall be transmitted to the Office of the Chief Secretary to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by such Persons and in such Manner as is required with respect to Returns under the said recited Act of the Fifty-fifth Year of the Reign of King *George* the Third; and such Answers and Returns, so transmitted to the Office of such Chief Secretary, shall be digested and reduced into Order by such Officer as such Chief Secretary shall appoint for the Purpose; and an Abstract thereof shall be from time to time laid before both Houses of Parliament, in like Manner, and at the same Time, as the Accounts obtained under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third.

Compensation to Persons employed.

VII. And be it further enacted, That there shall be paid and allowed, for the Trouble and Expence of the several Persons employed in making the Inquiries and preparing the Answers and Returns required by this Act, such reasonable Compensation, to be estimated, calculated, and paid in such Manner as is directed by the said recited Act of the Fifty-fifth Year of the Reign of King *George* the Third, with respect to the Accounts and Returns mentioned in the said Act; Provided always, that it shall not be necessary or requisite that any Copies of such Accounts shall be made by any Clerks of the Peace or Town Clerks, or lodged among the County Records; any Thing in the said Act of the Fifty-fifth Year of the Reign of King *George* the Third aforesaid to the contrary notwithstanding.

Copies not to be made by Clerks of Peace.

Regulations and Penalties under 55 G. 3. c. 120. extended to this Act, except as repealed by 3 G. 4. c. 5.

VIII. And be it further enacted, That the several Rules, Regulations, Penalties, and Forfeitures contained and expressed in the said recited Act of the Fifty-fifth Year of the Reign of King *George* the Third aforesaid, shall be applied and put in force for the Execution of this Act; and all such Rules, Regulations, Penalties, Forfeitures, and all Directions relating thereto, are hereby extended to the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, except only so far as the same are repealed by the Act hereinbefore recited, made in the Third Year of the Reign of His late Majesty King *George* the Fourth, or as the same are expressly altered or provided for by this Act.

C A P. XX.

An Act to explain and amend the Laws relating to Lands holden in Free and Common Soccage in the Province of *Lower Canada*. [30th March 1831.]

‘ WHEREAS by an Act made in the Thirty-first Year of the
 ‘ Reign of His Majesty King *George* the Third, intituled
 ‘ *An Act to repeal certain Parts of an Act passed in the Four-*
 91 G. 3. c. 31. ‘ *teenth 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 Province,”* it was amongst other Things
 ‘ enacted,

' enacted, that in every Case where Lands should be thereafter
 ' granted within the Province of *Lower Canada*, and where the
 ' Grantee thereof should desire the same to be granted in Free
 ' and Common Soccage, the same should be so granted, but sub-
 ' ject nevertheless to such Alterations with respect to the Nature
 ' and Consequences of such Tenure of Free and Common Soc-
 ' cage as might be established by any Law or Laws which might
 ' be made by His Majesty, His Heirs and Successors, by and
 ' with the Advice and Consent of His or Their Privy Council:
 ' And whereas by an Act passed in the Sixth Year of the Reign
 ' of His late Majesty King *George* the Fourth, intituled *An Act* 6 G. 4. c. 59.
 ' *to provide for the Extinction of Feudal and Seignioral Rights*
 ' *and Burthens on Lands held à Titre de Fief and à Titre de Cens*
 ' *in the Province of Lower Canada, and for the gradual Conver-*
 ' *sion of those Tenures into the Tenure of Free and Common Soc-*
 ' *cage, and for other Purposes relating to the said Province,* after
 ' reciting that Doubts had arisen whether Lands granted in the
 ' said Province of *Lower Canada* by His said late Majesty King
 ' *George* the Fourth, or by any of His Royal Predecessors, to be
 ' holden in Free and Common Soccage would be held by the
 ' Owners thereof, or would subsequently pass to other Persons,
 ' according to the Rules of Descent and Alienation in force in
 ' *England*, or according to such Rules as were established by
 ' the ancient Laws of the said Province for the Descent and
 ' Alienation of Land situate therein, it was thereby declared and
 ' enacted, that all Lands within the said Province of *Lower*
 ' *Canada*, which had theretofore been granted by His said late
 ' Majesty, His Heirs and Successors, to any Person or Persons,
 ' their Heirs and Assigns, to be holden in Free and Common Soc-
 ' cage, or which should or might thereafter be so granted by His
 ' said late Majesty, His Heirs and Successors, to any Person or
 ' Persons, their Heirs and Assigns, to be holden in Free and
 ' Common Soccage, might and should be by such Grantees, their
 ' Heirs and Assigns, held, granted, bargained, sold, aliened, con-
 ' veyed, and disposed of, and might and should pass by Descent,
 ' in such Manner and Form, and upon and under such Rules and
 ' Restrictions, as are by the Law of *England* established and in
 ' force in reference to the Grant, Bargain, Sale, Alienation, Con-
 ' veyance, Disposal, and Descent of Lands holden by the like
 ' Tenure therein situate, or to the Dower or other Rights of
 ' Married Women in such Lands, and not otherwise, any Law,
 ' Custom, or Usage to the contrary in anywise notwithstanding,
 ' and it was thereby provided, that nothing therein contained
 ' should extend to prevent His Majesty, with the Advice and
 ' Consent of the Legislative Council and Assembly of the Pro-
 ' vince of *Lower Canada*, from making and enacting any such
 ' Laws or Statutes as might be necessary for the better adapting
 ' the before-mentioned Rules of the Law of *England*, or any of
 ' them, to the local Circumstances and Conditions of the said
 ' Province of *Lower Canada* and the Inhabitants thereof: And
 ' whereas Doubts have arisen how far it is competent to His
 ' Majesty, with the Advice and Consent of the said Legislative
 ' Council and Assembly, to make and enact any Laws or Statutes
 ' establishing Rules respecting the Descent of Lands so granted.

His Majesty may assent to any Bill passed by the Legislative Council and Assembly of Lower Canada for regulating the Descent or Grant of Lands, &c. notwithstanding any Repugnancy in such Regulations to the Law of England.

‘ in Free and Common Soccage as aforesaid, or respecting the Grant, Bargain, Sale, Alienation, Conveyance, or Disposal of such Lands, or respecting the Dower or other Rights of Married Women in or to such Lands, in any Case wherein such Rules are repugnant to or at variance with the Law of *England*; and it is expedient that such Doubts should be removed;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, His Heirs and Successors, to assent to or to authorize His or Their Assent to be given to any Bill or Bills which bath or have heretofore been or which may hereafter be passed by the said Legislative Council and Assembly for regulating the Descent, Grant, Bargain, Sale, Alienation, Conveyance, or Disposal of any Lands which are now or which may hereafter be holden in Free and Common Soccage within the said Province of *Lower Canada*, or for regulating the Dower or other Rights of Married Women in such Lands; any Repugnancy or supposed Repugnancy of any such Regulations to the Law of *England*, or to any of the Provisions in the before-recited Acts of Parliament or either of them contained, to the contrary in anywise notwithstanding.

C A P. XXI.

An Act to improve the Proceedings in Prohibition and on Writs of Mandamus. [30th *March* 1831.]

‘ **W**HEREAS the filing a Suggestion of Record on Application for a Writ of Prohibition is productive of unnecessary Expence, and the Allegation of Contempt in a Declaration in Prohibition filed before Writ issued is an unnecessary Form; and it is expedient to make some better Provision for Payment of Costs in Cases of Prohibition;’ Be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be necessary to file a Suggestion on any Application for a Writ of Prohibition, but such Application may be made on Affidavits only; and in case the Party applying shall be directed to declare in Prohibition before Writ issued, such Declaration shall be expressed to be on behalf of such Party only, and not, as heretofore, on the Behalf of the Party and of His Majesty, and shall contain and set forth in a concise Manner so much only of the Proceeding in the Court below as may be necessary to shew the Ground of the Application, without alleging the Delivery of a Writ or any Contempt, and shall conclude by praying that a Writ of Prohibition may issue; to which Declaration the Party Defendant may demur, or plead such Matters, by way of Traverse or otherwise, as may be proper to shew that the Writ ought not to issue, and conclude by praying that such Writ may not issue; and Judgment shall be given, that the Writ of Prohibition do or do not issue, as Justice may require; and the Party in whose Favour Judgment shall be given, whether on Nonsuit, Verdict,

Applications for Writs of Prohibitions may be made on Affidavit only.

Contents of Declaration in case the Party is directed to declare in Prohibition.

Defendant may demur to Declaration.