

An Act for settling the Law concerning Lands held in Free and Common Soccage, in Lower Canada.

**W**HEREAS the Act hereinafter mentioned has left certain Preamble.  
 points unsettled as regards the Law applicable to lands  
 in Lower Canada held in Free and Common Soccage, and the  
 authority of the said Act itself has been called in question on  
 5 technical and formal grounds, although it has been maintained  
 by the majority of the Judges of the Courts of Superior Civil  
 jurisdiction, and has been generally acted upon as Law; And  
 whereas it is expedient that all doubts as to the effect of the  
 said tenure should be removed for the future and as regards the  
 10 past in so far as may be consistent with vested rights, and that  
 the Laws relating to lands of every tenure should be as far as  
 possible uniform, more especially as regards their descent in  
 cases of intestacy, and the rights of married women; And  
 whereas in the ignorance or uncertainty which has very gene-  
 15 rally prevailed as to the Law in the matters aforesaid, it may  
 have happened in many cases that the widows and heirs of  
 persons who have left lands in Free and Common Soccage with  
 regard to which they have died intestate, have assented to some  
 disposition or partition thereof, which though consistent with  
 20 their understanding of the Law and with substantial justice in  
 each particular case, may not have been in accordance with  
 the strict legal rights of the parties, and it is just and necessary  
 for the quieting of titles and the avoidance of litigation, to confirm  
 such dispositions and partitions: Therefore, Her Majesty, by  
 25 and with the advice and consent of the Legislative Council and  
 Assembly of Canada, enacts as follows:

I. The Act passed by the Legislative Council and Assembly Act of L. C.,  
9 G. 4, c. 77,  
declared in  
force.  
 of the Province of Lower Canada, in the ninth year of the  
 Reign of His Majesty King George the Fourth, and intituled,  
 30 *An Act for rendering valid conveyances of lands and other im-  
 moveable property held in free and common soccage within the  
 Province of Lower Canada, and for other purposes therein men-  
 tioned, and the Royal assent whereto was signified by Procla-  
 mation in the said Province on the First day of September, one*  
 35 *thousand eight hundred and thirty-one, is hereby declared to be  
 and to have been since the passing thereof, that is to say, since  
 the day last aforesaid, in force in Lower Canada.*

II. And whereas it is provided by the sixth section of the Act Recital.  
 above cited, that when the proprietor of lands granted or held  
 40 in free and common soccage should have died before the pass-  
 ing of the said Act, without having partitioned the same either by  
 last will and testament or otherwise, the heirs of such proprietor