

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 generally 15 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 of the Province of Lower Canada, in the ninth year of the Reign of His Majesty King George the Fourth, and intituled, Act of L. C.,  
9 G. 4, c. 77,  
declared in  
force.  
 30 *An Act for rendering valid conveyances of lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned*, and the Royal assent whereto was signified by Proclamation 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 above cited, that when the proprietor of lands granted or held 40 in free and common soccage should have died before the passing of the said Act, without having partitioned the same either by last will and testament or otherwise, the heirs of such proprietor Recital.