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No. 144.

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3rd Session, 5th Parliament, 20 Victoria, 1857.

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## BILL.

An Act to confirm certain Titles to Lands in the Townships of Lower Canada, and to establish uniformity in the Law relating to Real property throughout that section of the Province.

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Received and read, first time, Monday, 23rd March, 1857.

Second reading, Wednesday, 25th March, 1857.

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MR. FELTON.

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TORONTO:  
PRINTED BY JOHN LOVELL,  
YONGE STREET.

An Act to confirm titles to lands in free and common soccage, and to establish uniformity in the Laws relating to real property in Lower Canada.

**W**HEREAS the reasons for the introduction into Lower Canada of the Preamble.  
 tenure of lands in free and common soccage no longer exist; and whereas grave doubts are entertained in reference to the Rules of Law to which resort should be had for the determination of controversies 5 relating to lands held under that tenure; And whereas it is expedient to remove such doubts for the future, to confirm existing titles, and to introduce uniformity throughout Lower Canada in the laws relative to real property; Therefore Her Majesty, &c., enacts as follows :

I. All lands hereafter to be granted by Her Majesty, her heirs and 10 successors, in Lower Canada, shall be granted in *franc-aleu roturier* and not otherwise. Lands to be granted in franc aleu.

II. All lands heretofore granted in Lower Canada by Her Majesty or her predecessors in free and common soccage shall hereafter be held 15 and be esteemed and considered to be henceforth held in and by the tenure of *franc-aleu roturier*, and not otherwise. And lands granted heretofore to be so held.

III. The Act passed by the Legislature of the late Province of Lower Canada, in the ninth year of the Reign of King George the Fourth, entitled "*An Act for rendering valid conveyances of land and other im-* 20 *moveable property held in free and common soccage in the Province of Lower Canada, and for other purposes therein mentioned,*" shall be and is hereby repealed. Act of L. C., 9 G. 4, c. 77, repealed.

IV. All lands in Lower Canada heretofore granted in free and common soccage, or hereafter granted in *franc-aleu roturier*, shall and may here- 25 after be acquired, held, hypothecated, mortgaged, alienated, and disposed of, by Act *inter vivos* or testamentary provisions; shall descend, be inherited and divided among those entitled to the same by right of succession, and be liable to community of property, dower, and other rights of married women, under and according to the same 30 rules of law which shall hereafter from time to time govern similar dispositions and incidents of real property throughout the other parts of Lower Canada, and not according to the rules of the law of England. What laws shall govern lands in free and common soccage or franc aleu roturier.

V. All titles and rights now actually acquired under the laws existing at the time of the passing of this Act, to lands in free and common soccage, shall continue undiminished by reason of any thing in this Act 35 contained. Present titles not to be affected.

Acts and laws  
respecting re-  
gistration, &c.,  
not to be  
affected.

VI. This Act shall not be construed to repeal or change in any way the several Acts of the Legislatures of the late Province of Lower Canada, and of this Province, relative to enregistration of titles, and to the forms of deeds of sale, and of wills relating to immoveable property in Lower Canada (with the exception of the aforesaid Act hereby expressly repealed); But the said statutory provisions shall continue to apply to all the lands described in the first and second sections of this Act. 5