

ANNO PRIMO

GULIELMI IV. REGIS.

****

CAP. XX.

An Act to explain and amend the Laws relating to Lands holden in Frée 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 Fourteenth 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, 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 subject nevertheless to such Alterations with respect to the Nature and Consequences of such Tenure of Free and Common Soccage 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 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* 31 G. 3. c. 31. 6 G. 4. c. 59.

Province of Lower Canada, *and for the gradual Conversion of those Tenures into the Tenure of Free and Common Soccage, 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 Soccage, 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, conveyed, 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, Conveyance, 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 Province 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 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 hath 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

His Majesty may assent to any Bill passed by the Legislative Council and Assembly of Lower Canada for regulating the Descent or Grant

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. of Lands, &c. notwithstanding any Repugnancy in such Regulations to the Law of England.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1831.